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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 25, 2006	CONTACT/PHONE Elizabeth Kavanaugh 805/788-2010	APPLICANT Chad Wittstrom	FILE NO. TRACT 2723 SUB2004-00306
SUBJECT Request by Chad Wittstrom for a Vesting Tentative Tract Map (Tract 2723) to subdivide an existing 48.63-acre parcel into 38 parcels of 1.0 to 5.0 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Services District for construction of a future water tank, and designate the project site as a TDC Receiver Site with a 50 percent density bonus (4 additional lots). The project includes off-site road improvements to River Road, Martinez Drive, and Magdalena Drive. The project will result in the disturbance of approximately 3.3 acres of a 48.63-acre parcel for the creation of two on-site roads. The proposed project is within the Residential Suburban land use category and is located at the terminus of Martinez Drive, approximately 1,200 feet east of North River Road in the community of San Miguel. The site is in the Salinas River planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2723 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 17, 2006 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Public Services, Recreation, Transportation/Circulation, Wastewater and Water and are included as conditions of approval.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 027-221-044, 027-221-045, 027-251-016 and 027-251-017	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None			
LAND USE ORDINANCE STANDARDS: Transfer Development Credits, Public Lot and Underground Utilities			
EXISTING USES: Residence and accessory buildings			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Residential Suburban/residential <i>South:</i> Agriculture/ residential and agriculture</div><div><i>East:</i> Agriculture/residential and agriculture <i>West:</i> Residential Suburban/residential</div></div>			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Community Advisory Group, Public Works, Environmental Health, Agriculture Commissioner, County Parks, San Miguel Community Services District, San Miguel Fire Department, APCD and Department of Fish and Game,	
TOPOGRAPHY: Level to steeply sloping	VEGETATION: Grasses, forbes, oak woodland and chaparral
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: San Miguel Fire District	ACCEPTANCE DATE: August 17, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. The Land Use Ordinance requires slope be calculated for each of proposed lots. The proposed parcels meet all requirements for one and two acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15%	1 acre
	Average slope is between 16 and 30%	2 acres
Water Supply and Sewage Disposal	Community water On-site septic	1 acre

Transfer Development Credits

This project proposes to be designated a Transfer Development Credit (TDC) receiver site. The TDC program is a tool that enables environmentally sensitive and agricultural land to relocate development potential to more suitable areas, such as areas within the Urban Reserve Line, as this project proposes to do. The four TDC's proposed to be used for this project will come from retired development potential on agricultural land.

Section 22.24.060 of the Land Use Ordinance allows a property to be a Transfer Development Credit (TDC) receiving site if the site meets all of the following criteria:

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.
2. The site is not within an Agricultural Preserve.
3. The site is within 5 miles of an urban or village reserve line except for the California Valley village reserve line.
4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.

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5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.
6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.
7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21 and 22 of the county code.
8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

This site and project meets all these criteria.

Once it has been determined that the site and project is eligible to be a TDC receiver site, the next step is to determine the base and bonus density allowed for this site. The base density for a site is equal to the minimum parcel size required by Chapter 22.22 of the Land Use Ordinance. Thirty-four lots is the base density of this site, based on the minimum parcel size allowed in the Residential Suburban land use category and the slope of each of the lots. The allowable bonus density for this project is 50 percent of the 34 lots or 17 lots, for a total of 51 lots. However, this project uses only four TDC's to reach the proposed developable 38 lots.

Staff supports this project's use of TDC's, because:

- The site is within San Miguel's Urban Reserve Line.
- Slope is the determining factor that prohibits this site for qualifying for 48 lots through the traditional subdivision process.
- The TDC's allow the development to be placed on the flatter areas of the site out of the swales, steep slopes and canyons of the site.

Underground Utilities

This project is conditioned to provided underground utilities as required by Section 22.10.060 of the Land Use Ordinance.

Public Lot

The San Miguel Community Service District is requesting to acquire a one-acre lot for the purposes of a water storage tank site from this subdivision for water storage tank. This parcel will be conveyed to the San Miguel Community Service District prior to recordation of the map to assure that the lot will be used for water storage and not for residential purposes. The one-acre lot is within the minimum parcel size for the Residential Suburban land use category and a water storage tank is allowed with this land use category.

Section 21.02.010(a)(9) of the Real Property Division ordinance states that land conveyed to or from a public agency does not need to be preceded by the filing of a final map unless the planning director determines that public policy necessitates a parcel map. In this case, the Director determined that public policy did not necessitate a separate tentative map because San Miguel Community Service District is a public agency and the public lot is within the range of parcel sizes allowed in the land use category.

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Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

San Miguel Design Plan

The San Miguel Community Design plan has no standards or guidelines for houses or for subdivisions or development in the Residential Suburban land use category. However the Countywide Design Guidelines has recommendations for single-family residences. Staff has conditioned the development of the houses associated with this tract meets these recommendations including:

- Varied front setbacks
- Primary residences sited on the lot to allow for a secondary dwellings
- Change of plane and articulation on all sides of residences
- Main entry to home shall be located on the street side and at or above street level
- Garages located behind the houses, turned perpendicular to the street, or recessed five feet from the front façade of the house
- Garages for three or more cars, are reduced by dividing the garage up in sections
- Garage width shall not exceed 50 percent of the total width of the street facing building façade
- Roofing materials shall be non-reflective

PLANNING AREA STANDARDS:

None Applicable

COMBINING DESIGNATIONS:

None Applicable

STAFF COMMENTS:

Two biological assessments were completed for this project. The first one was completed in March of 2005 and the second was requested to survey for late blooming plants that might have been missed in early spring. This assessment was completed in May 2005. The biological assessments were completed for plants, animals, vernal pools and quality of habitat for San Joaquin Kit Fox. Both assessments were reviewed by the county biologist who agreed with the mitigation recommendations as reflected in the conditions of approval regarding: oak trees, San Joaquin kit fox, American Badger, California horned larks nests, drainage swales and water quality.

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COMMUNITY ADVISORY GROUP COMMENTS: Support the creation of 1 acre lots, remove the trees along the south and eastern property lines. However, the trees are a vegetative buffer, which is part of the agriculture buffer recommended by the Agriculture Commissioner's office.

AGENCY REVIEW:

Public Works – Stub out street between lots one and two for future area circulation, conditions attached.

Environmental Health – Map is approved for processing, some septic systems may need to be engineered systems.

Ag Commissioner- 300 foot agricultural buffer with vegetative buffer along the south and eastern property lines

County Parks – Pay Quimby fees and buildings fees

San Miguel Fire Department – Fire safety letter dated March 29, 2005

San Miguel Community Services District – Will Serve letter for 38 lots

APCD - Referral letter with mitigations dated April 14, 2005

Department of Fish and Game – 4 to 1 mitigation ratio needed to offset impacts to kit fox habitat

LEGAL LOT STATUS:

The four lots were legally created by deeds and a recorded map at a time when that was a legal method of creating lots/

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TDC Receiver Site

- J. The site qualifies as a TDC Receiver Site as follows: (1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within the San Miguel urban reserve line; (4) the applicant has designated building sites and access drives where footprint of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard Area, because none of the site is located within these areas; (6) the footprint of development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

Public Lot

- K. The San Miguel Community Service District is a public agency.
- L. The creation and transfer of the parcel will not affect adjacent properties in an adverse manner.
- M. Approval of this public lot exemption is granted only for the specified parcel.
- N. Any subsequent modification of the resulting parcels, or any future sale, lease or separate financing of the property contrary to this approval shall require a new public lot or tentative map application in compliance with the Subdivision Map Act and local ordinances then in effect.
- O. This approval is effective for a period of two years from the date of Planning Commission approval. Evidence must be submitted to show transfer of the property within that time period.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR TR. 2723

Approved Project

1. Vesting Tentative Tract Map to subdivide an existing 48.63-acre parcel into 38 parcels of 1.0 to 5.0 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Services District for construction of a future water tank, and designate the project site as a TDC Receiver Site (4 additional lots). The project includes off-site road improvements to River Road, Martinez Drive, and Magdalena Drive. The project will result in the disturbance of approximately 3.3 acres of a 48.63-acre parcel for the creation of two on-site roads.

Condition Compliance

2. **At the time of application for tract improvement plans**, the applicant shall submit a condition compliance package that includes a list of conditions and details how the applicant has met each condition necessary for approval of the tract improvement plan.

Access and Improvements

3. Roads and/or streets to be constructed to the following standards:
 - a. On-site streets shall be constructed to an A-1 section within a 50 foot dedicated right-of-way.
 - b. Magdalena Drive shall be constructed to a 2/3 A-1 (minimum improvement 18 foot) within a 40 foot dedicated right-of-way.
 - c. Magdalena Drive constructed to a 2/3 A-1 section from the property to North River Road (minimum paved width to be 18 feet).
4. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20- foot radius property line return at the intersection of all streets.
 - b. The 50- foot road easement terminating in a county cul-de-sac as shown on the tentative map.
 - c. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as site area boundaries with slopes setback accordingly.
 - d. All driveways shall be constructed in accordance with County Standard Improvement Specification and Drawings. All driveways constructed on county roads require an encroachment permit

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Grading and erosion control plan for subdivision related improvement locations.
 - e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

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6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
8. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

9. Existing Drainage swales shall be contained in drainage easements dedicated on the map.
10. Submit complete drainage calculations to the Department of Public Works for review and approval.
11. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards. Offsite drainage improvements may be required to convey storm water to the Salinas River.
12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and provide a WDID # to the county.

Wastewater Disposal

13. On-site sewage disposal systems shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements if percolation rates require engineered systems. The Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map, if required, shall issue a waste discharge permit.

Soils Report

14. A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.

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Utilities

15. Electric and telephone lines shall be installed underground.
16. Cable T.V. conduits shall be installed in the street.
17. Gas lines shall be installed.

Design

18. The lots shall be numbered in sequence.
19. The lot area of all lots shall contain a minimum area of .9 acre exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.030)
20. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final tract map.

Fire Protection

21. The applicant shall obtain a fire safety clearance letter from the San Miguel Fire Department establishing fire safety requirements prior to filing the final tract map.

Parks and Recreation (Quimby) Fees

22. **Prior to filing of the final tract map**, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on.

Affordable Housing Fee

23. **Prior to filing the final tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

TDC Program

24. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.

Public Lot

25. **Prior to recordation of the final map**, the applicant shall deed lot 39 of tract map 2723 to the San Miguel Community Service district.

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Mitigations

26. **Prior to recordation of the final map**, the applicant shall submit an intensive slope restoration plan to revegetate all cut and slopes associated with grading adjacent to North River Road and for the propose access roads. The plan shall include the use of site-appropriate native grasses and shrubs. The plan shall be implemented immediately following completion of road improvements, and prior to final inspection of tract improvements.
27. **Prior to recordation of the final map**, the applicant shall submit an exterior road and safety lighting plan (if proposed) to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.
28. **Prior to recordation of the final map**, the applicant shall submit copies of authorizations and permits (or documentation that such permits are not required) from the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) for the construction of the "Road A" stream crossing and road improvements within the northeastern corner of the project site.
29. **Prior to recordation of the final map**, the applicant shall submit for the review and approval of the Environmental Coordinator, a detailed research design for an Archaeological and Paleontological Monitoring and Recovery Plan (APMRP). The APMRP shall be consistent with the Archaeological and Paleontological Assessment for the San Lawrence Terrace Project, San Miguel, San Luis Obispo County, California (Cogstone Resource Management Inc.; March 2005) and shall be prepared by a qualified archaeologist and paleontologist approved by the Environmental Coordinator. The APMRP program shall include the following at minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities);
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the "work diversion" at the project site;
 - g. Description of procedures for diverting work on the site and notification procedures;
 - h. Description of monitoring reporting procedures.
 - i. Disposition of collected materials;
 - j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results.
30. **Prior to recordation of the final map**, the applicant shall submit road improvement plans to the County Public Works Department for review and approval. In addition to standard requirements, the plans shall show the placement of additional pavement on North River Road, south of Martinez Drive, to achieve acceptable sight distance.
31. **Prior to recordation of the final map**, the developer shall pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

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32. **Prior to recordation of the final map**, the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct water improvements to each parcel or submit a monetary bond to perform the work at a later date.
33. **Prior to approval of tract improvement plans if lot grading is completed with tract improvements**, the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:
 - a. Residences on Lots 28 and 33 through 38 shall be single-story only, and limited to 25 feet in height above average natural grade.
 - b. The roofing structure shall incorporate a hipped-roof design.
 - c. Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
 - d. Roofing shall be limited to muted, dark, earthtone colors.
 - e. Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire. No white or light-colored fencing shall be permitted.
34. **Prior to approval of tract improvement plans**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
35. **Prior to approval of tract improvement plans**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
 - a. Portable generators greater than 50 horsepower
 - b. IC engines
 - c. Unconfirmed abrasive blasting operations
 - d. Concrete batch plants
 - e. Rock and pavement crushing
 - f. Tub grinders
 - g. Trommel screens
36. **Prior to approval of tract improvement plans**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented to mitigate for the loss of 3.3 acres of habitat:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

37. **Prior to approval of tract improvement plans**, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

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- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-3-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist

38. **Prior to approval of tract improvements plans**, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

In addition, **prior to approval of tract improvements plans**, or any grading associated with map recordation, conditions BR-3 through BR-12 of the Developer's Statement shall be clearly delineated on project plans.

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39. **Prior to approval of tract improvement plans**, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
40. **Prior to approval of tract improvement plans**, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. **Prior to conducting any tract improvements**, and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for American badger dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any badger activity within the project limits. If badgers are found in dens, no grading shall occur within 100 feet of active badger dens during the nursing season (February through July).

All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, placement of fill, storage of materials, and use and storage of equipment shall be avoided within these fenced areas.

The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

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41. **Prior to approval of tract improvement plans**, the "project limits" shall be clearly delineated on all construction plans, along with locations of sturdy, high-visibility fencing to be installed in the field at the boundary of the "project limits". No grading, placement of fill, storage of materials, or use and storage of equipment shall occur outside of the "project limits". Fencing shall remain in place until final inspection.
42. **Prior to site disturbance, if any proposed grading and construction activities occur March 15 through August 15**, the applicant shall retain a County-approved biologist to survey the impact zone, within two weeks prior to ground disturbing activities, and determine that no nesting activities will be adversely impacted. In the instance that nesting birds are discovered, the biologist shall determine an appropriate buffer area until the biologist has determined that the chicks have fledged the nest. All construction work shall be prohibited from the buffer. In addition, the results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for buffer zone changes, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.
43. **Prior to approval of tract improvement plans**, the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented prior to site disturbance.
44. **Prior to approval of tract improvement plans**, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The SWPPP shall include the installation of filters for hydrocarbons to prevent the discharge of oils and fuels into the onsite drainages.
45. **During construction/ground disturbing activities for tract improvements**, the applicant shall implement the following particulate (dust) control measures. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 - a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

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- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off.
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.
46. **During the site disturbance and/or construction phase for tract improvements,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
47. **During the site-disturbance and/or construction phase for tract improvements,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
48. **During the site-disturbance and/or construction phase for tract improvements,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
49. **During the site-disturbance and/or construction phase for tract improvements,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
50. **Prior to during, and after the site-disturbance and/or construction phase for tract improvements,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

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51. **During the site-disturbance and/or construction phase for tract improvements**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
52. **During the site-disturbance and/or construction phase for tract improvements**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor initial vegetation clearance and surface grading/scraping, per the approved monitoring plan. The applicant shall implement the APMRP measures as delineated in the APMRP. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as an archaeologist and any other appropriate individuals shall evaluate the resource. The applicant shall implement the mitigations as required by the Environmental Coordinator.
53. **Upon completion of all monitoring/mitigation activities**, and prior to final map recordation, whichever occurs first, the consulting archaeologist and paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries per the APMRP. If the analysis included in the APMRP program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.
54. **Prior to completion of tract improvements**, the applicant shall replace in-kind at a four-to-one ratio, the two blue oak trees to be removed for a total of eight coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring. Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

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55. **Prior to completion of tract improvements**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
56. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after completion of tract improvements shall follow the above guidelines.

Additional Map Sheet

57. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:
 - Residences on Lots 28 and 33 through 38 shall be single-story only, and limited to 25 feet in height above average natural grade.
 - The roofing structure shall incorporate a hipped-roof design.
 - Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
 - Roofing shall be limited to muted, dark, earthtone colors.
 - Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire or recycled pipe. No white or light-colored fencing shall be permitted.
 - Prior to issuance of grading and construction permits for individual lot development, the applicant shall show plan that call out the following residence designs for primary residences:**
 - Varied front setbacks from adjacent parcels
 - Primary residences sited on the lot to allow for a secondary dwellings
 - Change of plane and articulation on all sides of residences
 - Main entry to home shall be located on the street side and at or above street level
 - Garages located behind the houses, turned perpendicular to the street, or recessed five feet from the front façade of the house.
 - Garages for three or more cars, are reduced by dividing the garage up in sections.
 - Garage width shall not exceed 50 percent of the total width of the street facing building façade.
 - Roofing materials shall be non-reflective
 - Prior to issuance of building permits for individual lot development, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - All EPA-Certified Phase II wood burning devices;
 - Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;

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- III. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - IV. Pellet-fueled woodheaters, and;
 - V. Dedicated gas-fired fireplaces.
- d. **Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- I. Portable generators greater than 50 horsepower
 - II. IC engines
 - III. Unconfirmed abrasive blasting operations
 - IV. Concrete batch plants
 - V. Rock and pavement crushing
 - VI. Tub grinders
 - VII. Trommel screens
- e. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- f. **Prior to issuance of grading and/or construction permits associated with individual lot development**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- I. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- II. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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- III. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- IV. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

- g. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

I. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall

conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

II. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-3-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

III. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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- h. In addition, the qualified biologist shall implement the following measures:
1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- i. **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- j. **Prior to issuance of grading and/or construction permit**, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- k. **Prior to issuance of grading and/or construction permits**, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- l. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for American badger dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any badger activity within the project limits. If badgers are found in dens, no grading shall occur within 100 feet of active badger dens during the nursing season (February through July)

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- II At the time of application for grading permits or construction plans for individual lot development, the applicant shall submit plans showing the location of all oak trees within 50 feet of the building envelope. If any trees are proposed for removal or would be impacted by site disturbance, the applicant shall submit a tree replacement plan prepared by a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replanting may not occur in the open space area. Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.
- I. Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, placement of fill, storage of materials, and use and storage of equipment shall be avoided within these fenced areas.
- m. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

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- n. **Prior to issuance of grading and construction permits for individual lot development**, the "project limits" shall be clearly delineated on all construction plans, along with locations of sturdy, high-visibility fencing to be installed in the field at the boundary of the "project limits". No grading, placement of fill, storage of materials, or use and storage of equipment shall occur outside of the "project limits". Fencing shall remain in place until final inspection.
- o. **Prior to site disturbance**, if any proposed grading and construction activities occur March 15 through August 15, the applicant shall retain a County-approved biologist to survey the impact zone, within two weeks prior to ground disturbing activities, and determine that no nesting activities will be adversely impacted. In the instance that nesting birds are discovered, the biologist shall determine an appropriate buffer area until the biologist has determined that the chicks have fledged the nest. All construction work shall be prohibited from the buffer. In addition, the results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for buffer zone changes, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.
- p. **Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented prior to site disturbance.
- q. **Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The SWPPP shall include the installation of filters for hydrocarbons to prevent the discharge of oils and fuels into the onsite drainages.
- r. **Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems for all landscaping other than a small area of turf.
- s. **Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit an exterior lighting plan to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare
- t. **Prior to issuance of construction permits for the water tank**, the applicant shall submit elevations showing the dimensions of the water tank, and a landscape plan. The exterior color of the tank shall be a dark, muted green or brown shade with a chroma and value less than 6. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees), and shall be installed in random-appearing patterns. Palm trees, Italian cypress, or eucalyptus shall not be planted. Such plantings shall achieve at least a 50 percent screen of the tank within five years. Only drip-irrigation methods shall be permitted. The plan shall be implemented prior to final inspection. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.

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- u. **Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit a landscape plan to the County for review and approval. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees), and shall be installed in random-appearing patterns. Palm trees, Italian cypress, or eucalyptus shall not be planted. Such plantings shall achieve at least a 50 percent screen of future homes, driveways, and access roads within five years. Only drip-irrigation methods shall be permitted for the screening plants. The plan shall be implemented prior to final inspection. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.
- v. All driveways shall be constructed in accordance with County Standard Improvement Specifications and Drawings. All driveways constructed on county roads require an encroachment permit.
- w. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans. No development shall occur outside of the designated building sites.
- x. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- y. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- z. An agricultural buffer prohibiting residential structures, consisting of 300 feet over lots 1 through 10 measured from eastern property line and an additional agricultural buffer prohibiting residential structures consisting of 300 feet over lots, 31,32, 38 and 11 measured from the southern property line shall be shown on the additional map sheet, along with a row of vegetation. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production on adjustment parcels affecting this subdivision. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- aa. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated March 29, 2005 from the San Miguel Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- bb. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity, if a drainage basin is required

Covenants, Conditions and Restrictions

58. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. Notification to prospective buyers that an additional map sheet was recorded with the final map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
 - b. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity, if a drainage basin is required..

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- c. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- d. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- e. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- f. An agricultural buffer prohibiting residential structures, consisting of 300 feet over lots 1 through 10 measured from eastern property line and an additional agricultural buffer prohibiting residential structures consisting of 300 feet over lots, 31,32, 38 and 11 measured from the southern property line shall be shown on the additional map sheet, along with a row of vegetation. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production on adjustment parcels affecting this subdivision. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- g. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 59. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 60. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 61. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Staff report prepared by Elizabeth Kavanaugh
and reviewed by Kami Griffin, Supervising Planner

4-27

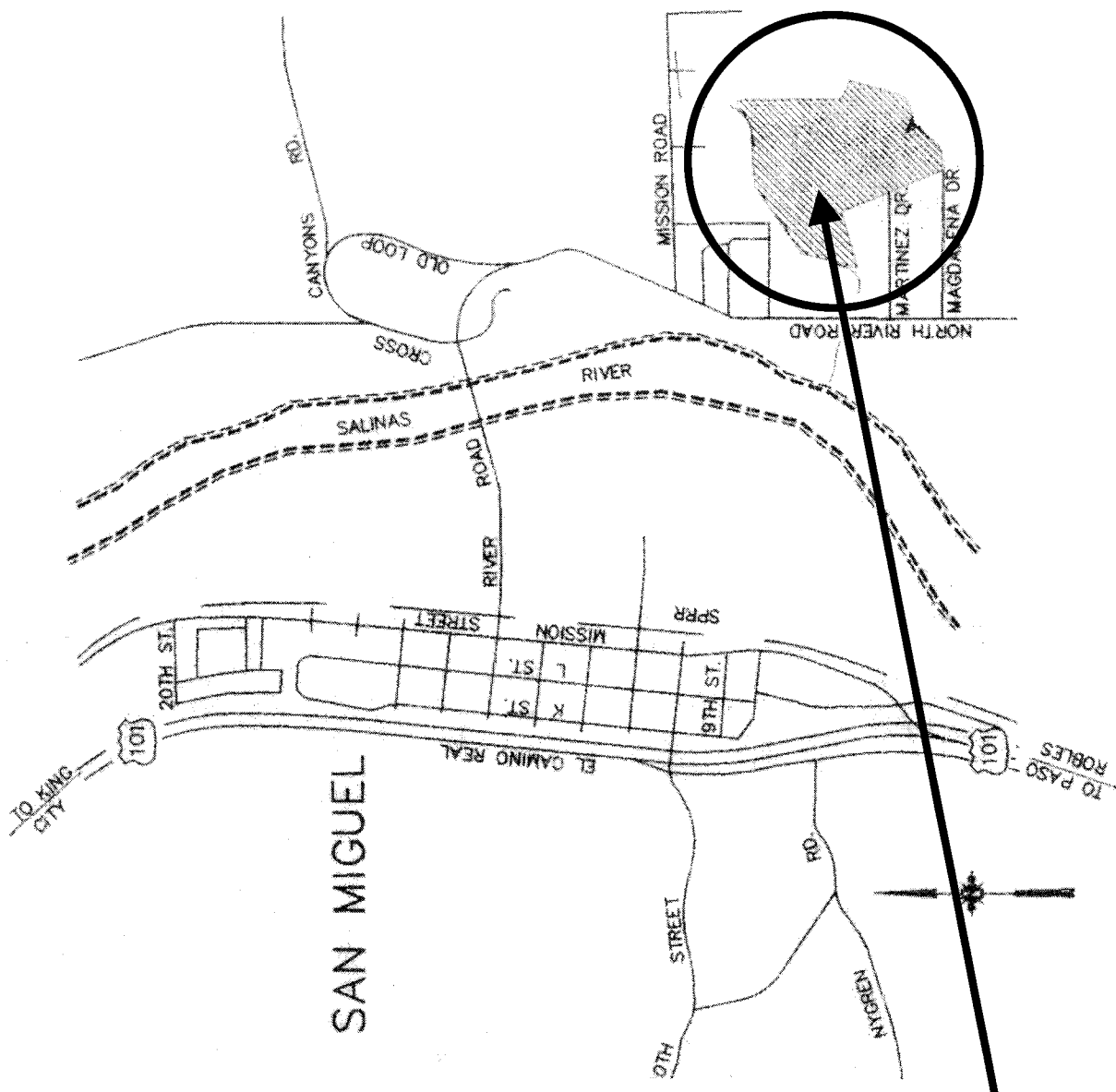
STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

4-28

10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
13. Any existing reservoir or drainage swale on the property shall be delineated on the map.
14. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
15. Required public utility easements be shown on the map.
16. Approved street names shall be shown on the map.
17. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
18. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
19. Any private easements on the property shall be shown on the map with recording data.
20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
21. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

4-29

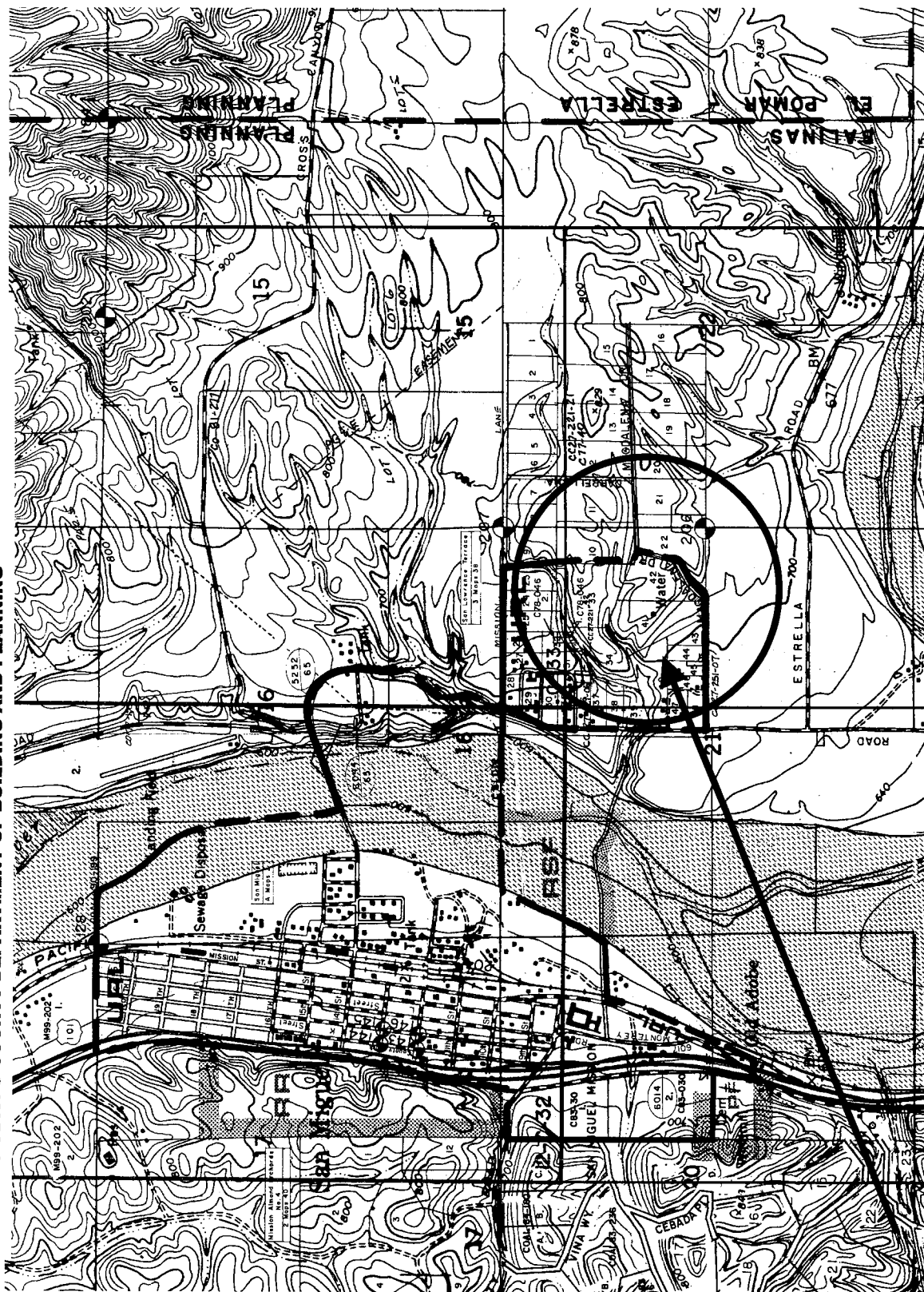


SITE

EXHIBIT Vicinity Map



PROJECT Tract Map
Wittstrom/ Mobra SUB2004-00306



EST

Tract Map

Wittstrom/ Mobra SUB2004-00306



Land Use Category

4-31



SITE

PROJECT

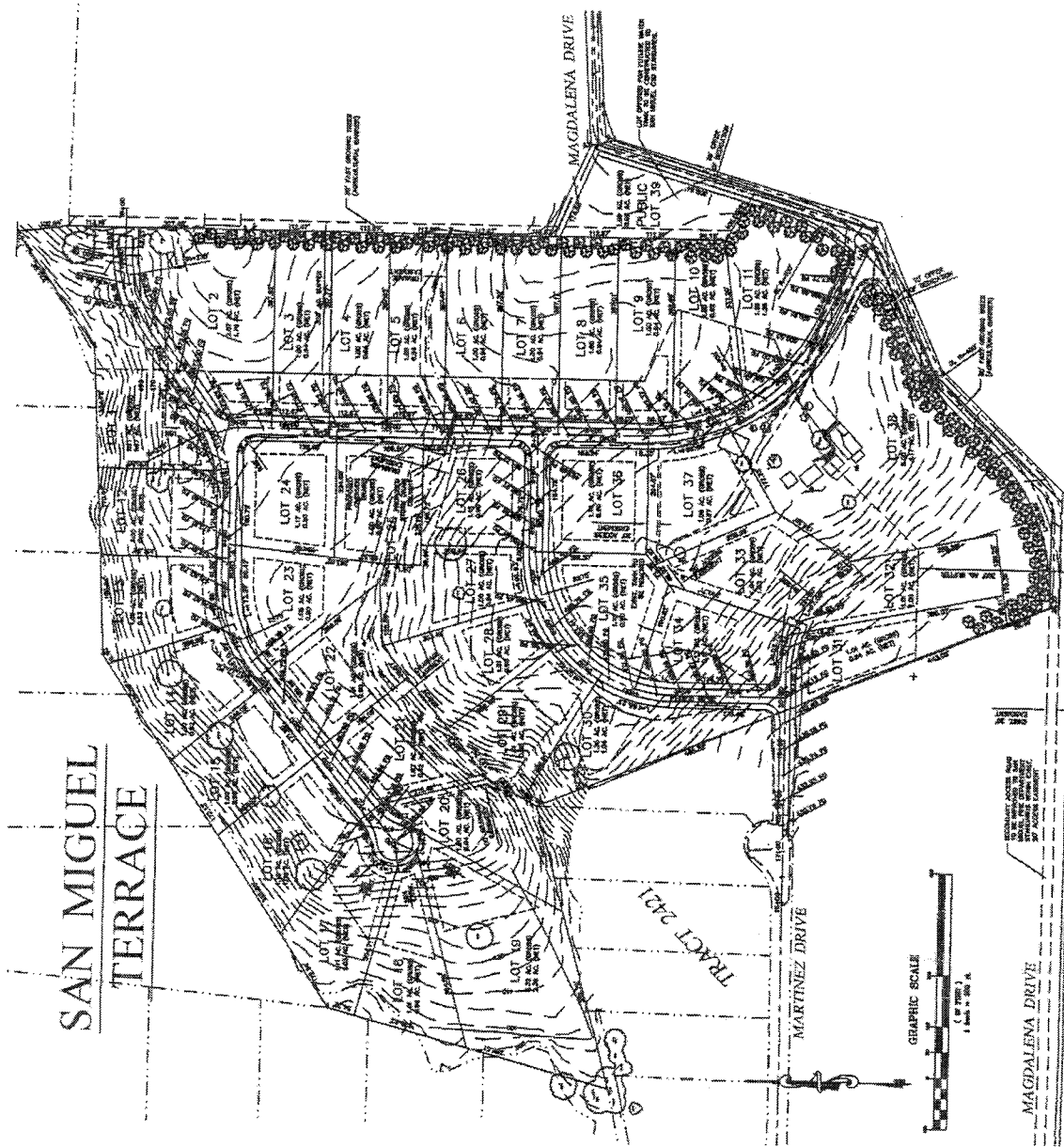
Tract Map
Wittstrom/ Mobra SUB2004-00306

EXHIBIT

Aerial



4-32



PROJECT

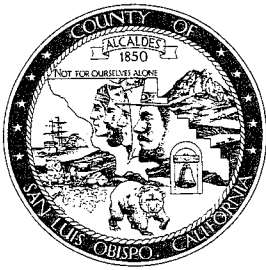
Tract Map
Wittstrom/ Mobra SUB2004-00306

EXHIBIT

Site Plan



4-33



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

APR 20 2005

S.L.O. CO. PLANNING DEPT.

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: April 18, 2005

TO: Elizabeth Kavanaugh, Planning & Building Department

FROM: Michael Isensee, Agriculture Department *MD*

SUBJECT: Mobra Tract Map #1022, SUB2004-00306

The Agriculture Department's review finds that the proposed Mobra Tract Map has no anticipated impacts to agricultural resources or operations with the inclusion of the project's proposed agricultural buffer and vegetative screening.

The proposed tract map is located in the San Lawrence Terrace area of east San Miguel, bounded on the south and southeast by Magdalena Drive and vineyard uses, on the west and north by existing residential development, and on the east by vineyards. Property to the south and east is zoned Agriculture, while the property site and adjacent properties to the north and west are zoned Residential Suburban and are located within the San Miguel Urban Reserve Line.

The proposed 300 foot agricultural buffer on the east and south of the project site provides an adequate separation to increase compatibility between agricultural operations and residential development. The proposed parcels are upwind from the typical wind pattern in the area and the incorporation of a 30-foot wide vegetated screen should help to reduce potential incompatibilities between residential and agricultural uses.

Disclosure to prospective buyers of all parcels created by this proposal is a requirement of the county's Right to Farm ordinance, Chapter 5.16. The Department encourages this disclosure to include information relevant to adjacent agricultural uses, including the types of inconveniences that may arise from owning property with agricultural operations in the vicinity. The types of inconveniences may include: noise, odors, fumes, dust, legal pesticide use, heavy machinery, truck traffic, and day- and night-time operation.

These comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Please call 781-5753 if I can be of further assistance.

CC: Chad Whittstrom

4-34



Mike
Isensee/AgComm/COSLO
05/02/2006 05:17 PM

To Elizabeth Kavanaugh/Planning/COSLO@Wings
cc
bcc
Subject Re: Mobra/ Wittstrom Tract SUB2004-00306

History: This message has been replied to.

It has been along time. Usually means good things for ag when we don't hear from you over in Planning.

The buffer distance is certainly the most important part of our mitigation recommendation. However, the screening is also an important item insofar as our experience has shown. Vegetative screening makes for good neighbors when intensive residential development occurs adjacent to intensive ag operations.

Without the screening and with this level of development we would probably need to consider an increased buffer distance. I believe this is how we ended up with the recommended buffer distance with screening. With all that said, the vegetation that we are interested in is probably the first 15-30 feet of height. Would limiting the overall height of the screening address concerns?

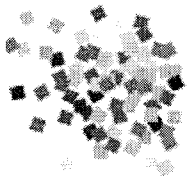
At any rate, what are the concerns? "Advisory council hates the vegetative screen" provides a mental picture but does not translates well into what the specific problems are. Do advisory council members think they should limit neighbors landscaping opportunities or do they just not like it because it is a condition being placed on the development? In other words, if there is no condition requiring screening, will Planning limit the ability of these future homeowners from planting their own screening?

If the screening is not currently in place (I think I remember Mr Wittstrom saying something about planting it), I would recommend that it be planted a minimum of 50 feet from adjoining agriculture in order to minimize any shading impacts on cropland.

Feel free to give a call and we can chat.

Michael Isensee
Agricultural Resource Specialist
San Luis Obispo County Department of Agriculture
2156 Sierra Way, Suite A
San Luis Obispo, CA 93401
805.781.5753
805.781.1035 (fax)
misensee@co.slo.ca.us

Elizabeth Kavanaugh/Planning/COSLO



Elizabeth
Kavanaugh/Planning/COSLO
05/02/2006 03:31 PM

To Mike Isensee/AgComm/COSLO@Wings
cc
Subject Mobra/ Wittstrom Tract SUB2004-00306

Hi Mike,

Long time no talk to. How are you?

4-35

I have an ag referral for this project dated 4/18/05 from you. At the end of the second paragraph you comment on the 30-foot vegetative screen as helping to reduce potential incompatibility between residential and ag uses.

If memory serves me from a discussion we may have had a year ago, I think you said that the vegetative screen wasn't important and that the 300 foot buffer on the east and south was truly the mitigation for this site. Is that true? The reason why I ask now and then is because the advisory counsel hates the vegetative screen and don't want it. Please let me know if you need this vegetative screen or not, so I can get it right in the staff report I am righting now.

thanks,

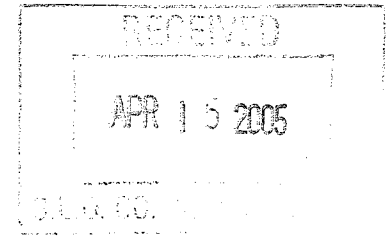
Elizabeth Kavanaugh
Planner and Development Review
County of San Luis Obispo
805-788-2010

ER



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

4-36



DATE: April 14, 2005

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MG*
San Luis Obispo County Air Pollution Control District

SUBJECT: San Miguel Terrace - Mobra Tract Map (SUB 2004-00306/TR 2723)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located on Linda Vista Drive, in San Miguel. The project as proposed would create 37 one acre parcels and one, five acre parcel from an existing 50 acre parcel. We have the following comments regarding this project.

GENERAL COMMENTS:

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

SPECIFIC COMMENTS:

Construction Phase Mitigation:

The project as described in the referral will exceed the District's CEQA significant threshold for construction phase emissions. **District staff recommends the following mitigation measures be incorporated in to the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

San Miguel Terrace
 April 14, 2005
 Page 2 of 4

- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required must be included on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Demolition and Renovation Activities - Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos - The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by

San Miguel Terrace
April 14, 2005
Page 3 of 4

the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

Permits

Portable equipment greater than 50 horsepower (hp) used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators greater than 50 hp
- IC Engines
- Concrete batch plants
- Rock and pavement crushing
- Tub grinders
- Trommel screens

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Operational Phase Mitigation:

We would like to commend the applicant for proposing development within the urban reserve line. The District supports higher density development within the urban core, as opposed to development at the urban fringe. This in-fill development makes walking, bicycling and public transportation more viable, decreasing dependence on driving and therefore reducing emissions from motor vehicles. This type of project is consistent with the goals and policies of the District's Clean Air Plan.

District staff conducted a screening level air quality impact assessment for operational impacts from this project. Based on the information provided in the project referral, the unmitigated project will not likely exceed the District's Tier I CEQA significance threshold for operational phase emissions. Therefore, no specific mitigation measures for operational phase emissions are required.

Wood Burning Devices

As you may be aware, under District Rule 504, **only District approved wood burning devices can be installed in new dwelling units.** District approved devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;

4-39

San Miguel Terrace

April 14, 2005

Page 4 of 4

- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

If you have any questions or comments please contact me at (805) 781-4667.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brooks, SLOACD Enforcement Division
David Dixon, SLOAPCD Engineering Division
Applicant – Chad Wittstrom

Attachment 1

h:\o\is\plan\response\3013.doc

4-40

County of San Luis Obispo • Public Health Department



September 1, 2005

Chad Wittstrom
5875 Stockdale Road
Paso Robles, Ca 93446

ATTN: CHAD WITTSTROM
RE: TENTATIVE TRACT MAP 2723-Soil Testing Only
SUB 2004-00306

Sewage Disposal

Soil testing has been conducted on the proposed parcels of this subdivision. The San Luis Obispo County, Environmental Health Division, has reviewed the soil reports and, based on these reports, determined that the lots are suitable for individual sewage disposal systems. Be advised that the percolation rates may require some systems be designed by a licensed engineer.

If additional information is required, contact me at (805) 781-5551.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
Elizabeth Kavanaugh, County Planning

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

RECEIVED

SEP 06 2005

Planning & Bldg

4-41

County of San Luis Obispo • Public Health Department



Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

March 31, 2005

Chad Wittstrom

Subject: Vesting Tentative Tract Map 2723

Water Supply

This office is in receipt of a Preliminary Will Serve Letter from the San Miguel Community Services District to provide water service to the project.

Wastewater Disposal

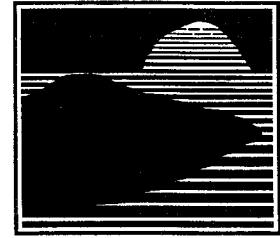
Preliminary soil testing results were submitted that show on-site wastewater disposal systems should be able to adequately serve the parcels. Testing on each lot is required prior to hearing at the Planning Commission.



Vesting Tentative Tract Map 2723 is approved for map processing.

Richard J. Lichtenfels, R.E.H.S., M.P.H.
Supervising Environmental Health Specialist

4-42



PROJECT REFERRAL

DATE: August 31, 2005
TO: California Department of Fish and Game
FROM: Shawna Scott, Morro Group, Inc.

MORRO
GROUP, INC.
Environmental Services

SUBJECT: Mobra Tentative Tract Map and TDC Receiver Site; SUB2004-00306

PROJECT DESCRIPTION: Request to subdivide three parcels totaling 50 acres into 38 parcels 1.0 to 5.0 acres each for sale and/or development and one 1.09-acre public lot.

PART 1 IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES (Please go on to Part II)
_____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

_____ NO (Please go on to Part III)
X YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL (805) 543-7095 extension 111.**

Will mitigation be needed to offset impacts to bit for habitat.

Response Date: 9.31-05 Name: Robert Stafford

Please return this letter with your comments as soon as possible.

4-43
Project Tracking Form
(Kit Fox Range)

Project Name/Description Mobra Tract Map SUB2004-00306

Lead Agency County of San Luis Obispo **Project Manager** Elizabeth Kavanaugh

Applicant Name Chad Wittstrom

Address 5875 Stockdale Road **City** Paso Robles **State** CA **Zip** 93446

Phone Number 805-801-4240 **Email** n/a

Original Habitat Evaluation Score 88

Adjusted Habitat Evaluation Score 88

Consulting Biologist Daniel Meade

Date of Evaluation March 8, 2005

Consulting Biologist Phone Number (805) 705-2479

Evaluation Reviewed By STAFFORD

Date Reviewed August 31, 2005

Mitigation Obligation

Amt of Kit Fox Habitat Impacted 49 acres X **Mitigation Ratio** 4:1 = 196 acres

_____ acres on site + _____ acres off site + _____ acres (conservation bank) = _____ acres **Total**

CEQA Review Process

SCH # _____

CEQA document Negative Declaration

Dates of: Public Review Period _____

Approval by Planning Commission

Filing of NOD _____

To be filled out by CDFG

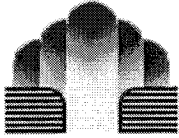
Mitigation/CESA Agreement

Lead (County/DFG) _____ **Mitigation/CESA Agreement #** _____

Prepared by _____ **Date** _____ **Date Final MA signed** _____

Conservation Bank? (Y/N) _____ **# Credits purchased** _____ **Bank Name** _____

4-44



Richard
Marshall/PubWorks/COSLO
04/07/2006 12:06 PM

To Elizabeth Kavanaugh/Planning/COSLO@Wings
cc Frank Honeycutt/PubWorks/COSLO@Wings
bcc
Subject condition language

OK, here's condition language to implement what I recommended in my memos for Tracts 2647 and 2723:

X. Prior to recordation of the Final Map, the developer shall enter into an agreement with the County of San Luis Obispo, in a form acceptable to County Counsel, whereby the developer agrees, on behalf of himself and successors in interest, to pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index, to be paid for each residential unit at the time of issuance of building permits. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

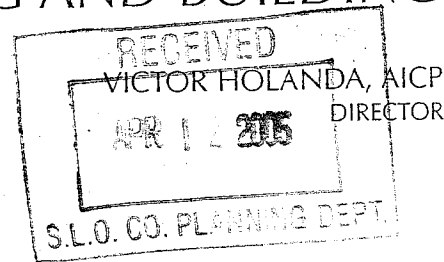
Please let me know if you have questions or need additional information.

-Richard Marshall
SLO County Public Works
Development Services Engineer



Ek 4-45 19
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
CENTRAL SERVICES

05 APR -1 AM 9:56



THIS IS A NEW PROJECT REFERRAL

DATE:

From: 3/31/05 04/11/05
TO: Parks

TO: NORTH CO. TEAM
FROM: (Please direct response to the above)

MOBRA/TR 2723

SUB2004-00306

Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: TRACT map/TR 2723. 37-1 acre
parcels & 1-5 acre parcel. In San Miguel, off
Magdalena Rd. APN: 027-221-044 & 045, 027-251-
016 & 017. TDC receiving site.

Return this letter with your comments attached no later than: 4/15/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Require payment of Quimby fees and applicable
Building Division fee.

04/11/05
Date

Jan Dileo
Name

X4089
Phone



Ek 4-46 19
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

APR - 1 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3/31/05
FROM: PW
FROM: NORTH CO. TEAM
(Please direct response to the above)

MOBRA/TR 2723

SUB2004-00306

Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: TRACT MAP/TR 2723. 37-1 acre parcels & 1-5 acre parcel. In San Miguel off Magdalena Rd. APN: 027-221-044 & 045, 027-251-016 & 017. TDC receiving site.

Return this letter with your comments attached no later than:

4/15/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

RECOMMEND APPROVAL - STOPS ATTACHED, ALSO ATTACHED ARE CONCERNS FROM OUR TRAFFIC DIVISION REQUESTING A TRAFFIC STUDY, LOOK A VARIOUS ITEMS. A PROVISION FOR N-S CIRCULATION THRU SAN LAWRENCE TERRACE WOULD BE GREAT - MAYBE STUB OUT A STREET BETWEEN LOTS 1 & 2 OR BETWEEN LOTS 1 & 12 THAT CAN SOME DAY CONTINUE TO MISSION LN.

22 April 2005
Date

Goodman
Name

5252
Phone

4-47

EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2723, MOBEA/WITTSTROM

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ acres / square feet each.

Access and Improvements



Roads and/or streets to be constructed to the following standards:

- a. 2. MAGDALENA DRIVE constructed to a 2. 2/3 A-1 (MIN IMPROVE 18 ft) section within a 1. 50 2. 40 foot dedicated right-of-way.
- b. _____ widened to complete a _____ section fronting the property.
- c. MAGDALENA DRIVE constructed to a 2/3 A-1 section from the property to NORTH RIVER ROAD (minimum paved width to be 18 feet).



The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____, to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A 20 foot radius property line return at the intersection of ALL Streets.
- f. The 50 foot road easement terminating in a county cul-de-sac as shown on the tentative map.

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- ☐ The intersection of _____ and _____ be designed in accordance with California Highway Design Manual.
- ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.
- ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
- ☐ A private easement be reserved on the map for access to lots _____.
- ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
- ☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - h. Trail plan, to be approved jointly with the Park Division.
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- ☒ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

4-49

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☒ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards. *ADDITIONALLY, OFF SITE DRAINAGE IMPROVEMENTS MAY BE REQUIRED TO CONVEY STORM WATER TO THE SALINAS RIVER.*
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *PROVIDE WQID # to COUNTY*

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

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- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed **underground** ~~(overhead)~~
- ☐ Cable T.V. conduits shall be installed in the street.
- ☐ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

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The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map *AND ON THE IMPROVEMENT PLANS.*

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

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Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held *in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building*. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ *If a drainage basin* is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)
 - b. Drainage basin perimeter landscape screening. (ONLY USE FOR FENCED BASINS)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP

- ☐ _____
- ☐ _____

Additional Map Sheet

- ☐ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of *drainage basin / adjacent* landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on *all lots within the land division / on lots* _____.

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- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

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Covenants, Conditions and Restrictions



The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- b. ^{IF A BASIN IS REQUIRED} On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- l. _____

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

Miscellaneous

- ☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☒ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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County of San Luis Obispo • Public Health Department



September 1, 2005

Chad Wittstrom
5875 Stockdale Road
Paso Robles, Ca 93446

ATTN: CHAD WITTSTROM (mobra)
RE: TENTATIVE TRACT MAP 2723-Soil Testing Only
SUB 2004-00306

Sewage Disposal

Soil testing has been conducted on the proposed parcels of this subdivision. The San Luis Obispo County, Environmental Health Division, has reviewed the soil reports and, based on these reports, determined that the lots are suitable for individual sewage disposal systems. Be advised that the percolation rates may require some systems be designed by a licensed engineer.

If additional information is required, contact me at (805) 781-5551.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
Elizabeth Kavanaugh, County Planning

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

RECEIVED
SEP 06 2005
Planning & Bldg

San Miguel
Community
Services District



Board of Directors

President
Richard Harrison

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Gib Buckman

Members
Connie Jarvis
Dale Hamblin
Bud Wimer

Mission Statement

Committed to serving the
community with
effectiveness, efficiency, and
care to support the economic
and social quality of life in
San Miguel

Proudly serving
San Miguel
with:

Fire Protection

Street Lighting

Water

Wastewater

Solid Waste

P.O. Box 180
1150 Mission Street
San Miguel, CA 93451

Tel. 805-467-3388
Fax 805-467-9212

smcsd@tcsn.net

www.sanmiguelcsd.org

March 29, 2005

Mr. Chad Wittstrom
5875 Stockdale Rd
Paso Robles, CA 93446

Dear Mr. Wittstrom

I have reviewed the Tentative Tract Map #2723. The San Miguel Fire Department will be responsible for providing fire protection. In order to meet the requirements of the Uniform fire Code the following is required to obtain fire district protection and approval of your project:

Roads & Fire Access Road

No road way to exceed 28% degree slope. All roads to be paved in accordance to recognized standards to support the weight of 40,000 pounds fire apparatus traveling a 20 mph.

The Fire Access Road (Magdalena) to meet fire road standards UFC 902.2.2.1. The road shall be 20 ft in width 18 ft of pavement with all obstacles removed within the roadway. Road to be posted with NO PARKING FIRE LANE signs at 200 feet intervals both sides of the road.

A road maintenance agreement shall be imposed on the property owners within the development to maintain Magdalena Rd. The maintenance agreement shall be effect until such time as the road is accepted as a county maintained road by San Luis Obispo County.

Addressing

All projects, prior to final inspection approval, shall comply with Title 20, Address and Road Name Ordinance. Appropriate addresses, building numbers, road names, signs and room numbers, shall be installed prior to final inspection. SMCSO ordinance #03-2001 requires numbers to be a minimum for four(4) inches in height for residential and five (5) inches minimum height for commercial buildings. All numbers shall contrast with their background, be visible from the center of the road and be illuminated if possible. UFC

Residential Sprinklers

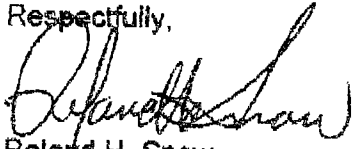
All residential structures within tract map #2723/development shall be equipped with residential sprinklers per NFPA Pamphlet 13D.

The remainder of the tentative tract map appears to meet San Miguel and fire code requirements. Please note nothing contained herein abrogates any more restrictive requirements by other agencies having jurisdiction.

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Your tentative tract map will be returned to you. You will need approval from the San Miguel Community Services for hydrants, water mains and fire flow and water storage tank requirements. If you have any questions or comments regarding this information, please call my office.

Respectfully,

A handwritten signature in black ink, appearing to read "Roland H. Snow", written over the printed name.

Roland H. Snow
Fire Chief

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San Miguel Community Services District
J.M. Ellison, General Manager
Post Office Box 180
San Miguel, CA 93451
(805) 467-3300

BOARD OF DIRECTORS
Richard Harrison, President
Gib Buckman, Vice President
Dale Hamblin
Connie Jarvis
Bud Wimer

February 7, 2005

CONDITIONAL PRELIMINARY WATER WILL SERVE LETTER
Expires February 7, 2006

Re: Applicant

Wittstrom

San Miguel, California 93430

Assessor's Parcel Numbers 027-251-017 / 027-221-044 / 027-221-045
Assessment Roll Numbers 520 / 503 / 504

These parcels are within the area served by the San Miguel Community Services District. Based upon the projected use by the applicant for 38 one-acre single family residential units, the District currently has sufficient water capacity to serve this project.

The applicant will be responsible for necessary improvements to extend water mains and services, other water system improvements needed to accommodate service to the applicant's property, and any and all requirements under the Uniform Fire Code and the Uniform Plumbing Code.

The applicant will also be required to execute the attached Reimbursement Agreement with the District.

Upon payment of all fees and satisfactory review of the final approved plans by the District Engineer and Fire Department, a Final "Will Serve" Letter will be issued by the District. In addition, all fees, assessments and charges are dependent on meeting the attached Conditions of Approval and final building plans that are due at issuance of the Final "Will Serve" Letter. These charges will be based on applicable resolutions in effect at that time.

Sincerely,



J.M. Ellison,
General Manager

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San Miguel Community Services District

Tentative Tract No. (Wittstrom)

Draft Conditions of Approval

February 2, 2005

1. All public improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications and comply with the San Miguel Community Services District's general pipeline, water system and street light improvement notes applicable to the development of this project.
2. The developer shall provide engineering improvement drawings including a plan and profile of the water distribution improvements, tank details, telemetry, hydro-pneumatic booster station and other improvements as may be required. Improvement drawings shall be submitted to the District for approval.
3. The developer shall provide all utility signatures on the public improvement plans.
4. Provide a Public Improvement Bond for improvements to other related facilities. The developer shall deposit or post a bond (or other means satisfactory to the District), for the water system facilities serving the property.
5. The Developer's Engineer, upon completion of the improvements, must certify to the County Engineer and the District Engineer that the improvements are made in accordance with the requirements of each agency.
6. The Developer shall enter into a Reimbursement Agreement with the District for engineering, plan checking and inspection services.
7. The Developer shall be required to replace the existing steel tank located on the subject property. A new tank shall be of adequate capacity, site area, access and hydraulic gradient elevation as identified in the District's Water Master Plan and Engineering Report for Water Storage and Transmission Facilities. The current projected capacity of the replacement tank is 150,000 gallons. However, the original capacity estimates did not provide for impacts from this applicant's project. This may necessitate an increase of storage capacity to maintain fire flow and emergency storage for the added demands to district services.
8. The Developer shall install all necessary streetlights and fire hydrants at locations approved by the District.
9. The Developer shall apply for an Encroachment Permit prior to connecting to District Facilities.
10. The Developer shall extend the existing 6-inch waterlines in Martinez and Magdalena Drives with 8-inch PVC waterlines to the development as identified in the District's Water System Master Plan. Easements or public right of way dedications for these water lines shall be provided to the District for approval.

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11. The new 8-inch water line in Martinez Drive shall extend from the new well to the new tank site.

12. The existing 6-inch water line crossing the proposed subdivision shall be relocated within the new street alignment. A 20-foot easement shall be required for the existing line between lots 15 and 16. A new 8-inch PVC water line shall be installed from lots 15 and 16 to the new tank site following the new street alignment.

13. The proposed tank site elevation will deliver lower pressure required to meet the demands of the new development. A separate, higher pressure zone will be required. A hydro-pneumatic booster station shall be installed at the tank site as approved by the District.

M:\406-SMCSD\0406-004 Will Serves\0031 Wittstrom\WittstromCondWillServe.doc

4-62



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (EK)

ENVIRONMENTAL DETERMINATION NO. ED04-482

DATE: April 20, 2006

PROJECT/ENTITLEMENT: Mobra/Whittstrom Tract Map and TDC Receiver Site; SUB2004-00306, TR 2723

APPLICANT NAME: Chad Wittstrom

ADDRESS: 5875 Stockdale Rd., Paso Robles CA 93446

CONTACT PERSON: Same as applicant

Telephone: (805) 801-4240

PROPOSED USES/INTENT: Request to subdivide an approximate 48.63-acre parcel into 38 parcels ranging from 1.0 to 5.0 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Services District for construction of a future water tank, and designate the project site as a TDC Receiver Site (3 credits) with a 50 percent density bonus. The project includes off-site road improvements to River Road, Martinez Drive, and Magdalena Drive. The project will result in the disturbance of approximately 3.3 acres of a 48.63-acre parcel for the creation of two on-site roads.

LOCATION: The proposed project is located within the Residential Suburban land use category and is located at the terminus of Martinez Drive, approximately 1,200 feet east of North River Road in the community of San Miguel. The site is in the Salinas River planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game
, Regional Water Quality Control Board , U.S. Army Corps of Engineers, Air Pollution Control District

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on May 4, 2006

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

4-63



San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: _____

County: San Luis Obispo

Project No. SUB2004-00306

Project Title: Mobra Tract Map

Project Applicant

Name: Chad Wittstrom

Address: 5875 Stockdale Rd.

City, State, Zip Code: Paso Robles, CA 93446 —

Telephone #: (805) 801-4240

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
() County Clerk's Fee	\$ <u>25.00</u>

Total amount due: \$1,250

AMOUNT ENCLOSED: _____

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

4-64



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Whittstrom Tract Map; SUB2004-00306 Tract 2723 ED04-482

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Geology and Soils | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Wastewater |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Water |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

RIZABE TIT KAVANAUGH

Prepared by (Print)

Signature

4/16/06

Date

John Nall

Reviewed by (Print)

Signature

Ellen Carroll,
Environmental Coordinator
(for)

4/17/06

Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Chad Wittstrom for a Vesting Tentative Tract Map to subdivide an existing 48.63-acre parcel into 38 parcels of 1.0 to 5.0 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Services District for construction of a future water tank, and designate the project site as a TDC Receiver Site (3 credits) with a 50 percent density bonus. The project includes off-site road improvements to River Road, Martinez Drive, and Magdalena Drive. The project will result in the disturbance of approximately 3.3 acres of a 48.63-acre parcel for the creation of two on-site roads. The proposed project is within the Residential Suburban land use category and is located at the terminus of Martinez Drive, approximately 1,200 feet east of North River Road in the community of San Miguel. The site is in the Salinas River planning area.

ASSESSOR PARCEL NUMBER: 027-221-044 & 045 & 027-251-016 & 017 **SUPERVISORIAL DISTRICT #** 1

B. EXISTING SETTING

PLANNING AREA: Salinas River, San Miguel

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): None

EXISTING USES: Residence, accessory structures

TOPOGRAPHY: Gently to steeply sloping

VEGETATION: Grasses, forbs, oak woodland, chaparral

PARCEL SIZE: 48.63 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban; residential, undeveloped

East: Residential Suburban; residential, agriculture

South: Agriculture; residential, agriculture	West: Agriculture; residential
--	--------------------------------

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located approximately 1,200 feet east of North River Road, at the terminus of Magdalena Drive in the community of San Miguel (refer to Figures 1 through 3). The topography of the area consists of gently rolling to very steeply sloping hillsides and terraces that slope down towards the generally level Salinas River and associated floodplain. The project site is characterized by gently to moderately sloping rolling hillsides cut by steeply sloping drainages supporting oak woodland. Scattered oak trees, grasses, and forbs dominate the remainder of the project site. There is one residence and several accessory structures, associated exotic tree landscaping, and a large water tank on the project site. Surrounding development includes a residential neighborhood to the north and west, and vineyards to the south and east.

The visual character of the area ranges from urban residential within the core of San Miguel, to rural residential along the fringes, and agricultural along the Salinas River and immediately outside of the Urban Reserve Line. Scattered single-family residences, clustered residential areas, vineyards, row crops, and grazing land dominate the visual setting within this section of the Highway 101 viewshed. While the project site is not located within a Highway Corridor Design Standard area, development will be visible as seen by northbound Highway 101 travelers, located a mile to the west.

Portions of the project site are visible from North River Road. Intervening landforms, existing vegetation, and development adjacent to the project site and the roadway partially obstruct visibility of the project site. The project site is back-dropped by a ridgeline. Views from Highway 101 are distant; however, the project site is visible for approximately seven seconds as seen from the northbound

travel lanes, and approximately three seconds as seen from the southbound travel lanes. Within the primary cone of vision, the project site is back-dropped by the ridgeline to the east. The existing water tank and residence visibly silhouette for approximately three seconds as seen from the southbound Highway 101 travel lanes, outside of the primary cone of vision.

Impact. The applicant proposes to subdivide the project site into 39 parcels. The standard subdivision requirements allow a 24-lot subdivision. The TDC designation and 50 percent density bonus would allow for higher development density on the parcel than otherwise allowed (15 additional lots) while still preserving the rural character of the area by reducing conversion pressure on adjacent agricultural and rural lands outside of the urban reserve line. There is one existing residence and accessory structures and one water tank on the project site; these structures are proposed for removal. The project site would be divided into 38 parcels (ranging from 1.0 to 5.0 acres each) for the development of 38 new residences and two access roads (refer to Figure 4). The applicant has designated building envelopes of varying sizes on each lot to avoid disturbance of oak woodland. The proposed public lot (Lot 39) would be offered to the San Miguel Community Services District for future construction of a water tank. The access roads would connect with Martinez and Magdalena Drive. The project site is characterized by two undulating ridgelines intersected by the southern drainage. The northern drainage is located along the northern property boundary. Proposed Lots 6 through 11, and 26 through 38 are located on the southern ridgeline, and Proposed Lots 1 through 5, and 12 through 25 are located on the northern ridgeline.

Future development located on the southern ridgeline would be visible from the northbound lane of North River Road from a distance of approximately 2,000 feet to the south, to approximately 500 feet south of the project site. Residential development would be back-dropped by the distant ridgeline, and partially obscured from view by intervening topography, vegetation, and development. The future water tank would likely silhouette for approximately three seconds as seen from the northbound lane of North River Road. Grading activities associated with improvements to North River Road and the construction of "Road A" would result in cut and fill slopes visible from North River Road and Highway 101.

Future residential development located on the western portions of the northern and southern ridgelines would be visible from both the northbound and southbound travel lanes of Highway 101. The development would be visible for approximately seven seconds as seen from the Highway 101 northbound travel lanes, within the primary cone of vision. Development would be back-dropped by the distant ridgeline. Residences on proposed Lots 28 and 33 through 38 would silhouette into the skyline, and the proposed access road "Road A" would be visible for approximately three seconds as seen from the Highway 101 southbound travel lanes, outside of the primary cone of vision.

Implementation of the proposed project would also include exterior lighting associated with future residential development. The additional lighting would increase light and glare in the immediate area, and would be visible from Highway 101.

Potentially significant visual impacts resulting from the proposed subdivision and future residential development of the project site would include increased visibility, silhouetting into the skyline, and increased light and glare.

Mitigation/Conclusion. To mitigate for potentially significant visual impacts, the applicant has agreed to adopt design standards for the proposed subdivision, including limiting development on Lots 28 and 33 through 38 to single-story, hipped-roof structures. In addition, the applicant has agreed to submit a landscape plan incorporating the use of drought-tolerant, fast growing, ever-green trees and shrubs, implementation of cut and fill slopes revegetation measures, and the use of muted exterior colors and roofing. In addition, any fencing along the perimeter of the project site shall be limited to wooden, barbed wire, or wood appearing materials, and if paint or staining is used, only muted, dark,

earth-tone colors shall be permitted. All exterior lighting shall be shielded as required by Section 22.10.060 of the County Land Use Ordinance. Implementation of these measures would not avoid silhouetting, but would minimize the visual effects of silhouetting and development of the project site as seen from North River Road and Highway 101.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site (totaling approximately 50 acres) is within the Residential Suburban land use category, in the community of San Miguel. Surrounding land use categories include Residential Suburban to the north and east, and Agriculture to the south and west. The soil types mapped for the project site by the Natural Resources Conservation Service (NRCS) Soil Survey include: Arbuckle-Positas complex (15-30%) and (9-15%), Arbuckle-San Ysidro complex (2-9%), and Nacimiento-Los Osos complex (9-30%). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV" and the "irrigated" soil class is "II" to "IV". The project site does not currently support agriculture. Production vineyards are located to the south and east.

Impact. The proposed project includes designating the property as a Transfer of Density Credit (TDC) receiver site, which would allow a higher development density on the parcel than what would otherwise be allowed under the Residential Suburban land use category in the project area, while still preserving the rural character of the area by reducing conversion pressure on nearby agricultural lands. The proposed subdivision and designation as a TDC receiver site with a 50 percent density bonus would allow for establishment of 39 parcels 1.0 to 5.0 acres each, and although the proposed parcels do not meet the minimum size requirement for the land use category (2.0 acres), the site is consistent with the goals of the TDC program.

The applicant proposes a 300-foot agricultural buffer and a 30-foot wide agricultural barrier to include fast-growing trees along the southern and eastern property boundaries. The proposed building envelopes are located outside of the buffer zone. The proposed project was referred to the County Agricultural Commissioner's Office for review. The Agricultural Commissioner's Office determined that the proposed 300-foot buffer and vegetation screen would help reduce potential conflicts and incompatibilities between existing agricultural and future residential uses (Michael Isensee; April 18, 2005). Creation of 15 additional parcels with one single-family residence on each parcel within the Urban Reserve Line for San Miguel would not result in a significant long-term impact to adjacent lands for agricultural uses due to TDC program conditions prohibiting further subdivisions and development of the parcel, and establishment of the agricultural buffer. The property would receive a TDC receiver site combining designation, which would prohibit further subdivision and land use category changes while allowing one residence on each parcel.

Mitigation/Conclusion. In addition to the measures proposed by the applicant, the Agricultural Commissioner's Office recommends submittal of a disclosure to future buyers of each created lot providing information relevant to adjacent agricultural uses, including noise, odors, fumes, dust, legal pesticide use, use of machinery, truck traffic, and night-time operation (Michael Isensee; April 18, 2005). The applicant has agreed to provide supplemental disclosure to future landowners, including information regarding adjacent agricultural uses and a copy of the County's Right-to-Farm Ordinance. Implementation of this measure would mitigate potential conflicts between agricultural uses and future residential uses to less than significant. Implementation of the restrictions placed on the property as a TDC receiver site and prohibition of future subdivisions and land use category changes, would reduce the conversion pressure on surrounding agricultural land.

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is improving where unacceptable PM10 levels were exceeded once in 2003 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The ozone standard was exceeded once at this monitoring station in 2003. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone. In January 2004, the California Air Resources Board designated San Luis Obispo County as being in attainment of the state ozone standard; the exceedance at the Paso Robles monitoring station did not constitute violations and did not jeopardize the recently-awarded attainment status.

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. Implementation of the proposed project would result in the creation of 38 residential lots, and the construction of up to 38 residences. As proposed, the tract improvements would result in the disturbance of approximately 3.3 acres, not including future residential development. Future development of up to 38 new residences, two access roads, a water tank, off-site road improvements, and related utility and service improvements would result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. In addition, the project will generate up to approximately 354 daily vehicle trips. The project site is located within the San Miguel Urban Reserve Line, and is consistent with the general level of development anticipated and projected in the Clean Air Plan (CAP). The CAP looks at the cumulative effects of county build out, and is updated every three years with the intent to review and include programs, as needed, to bring the county into attainment for air quality. The proposed project was referred to the County Air Pollution Control District for review. Based on APCD's review of the proposed project, implementation of the proposed project would result in significant, but mitigable, short-term construction emissions (Melissa Guise; April 14, 2005).

Fugitive Dust (PM_{10}). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Asbestos. The State Air Resources Board considers asbestos a toxic air contaminant. If naturally occurring asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact. In addition, implementation of the proposed project would require the demolition and disposal of structures, utilities, and pipelines, which may contain asbestos.

Equipment Permits. Use of portable equipment during the grading and construction phases of the project may require California statewide portable equipment registration or an APCD District permit. Use of unauthorized equipment may result in a potentially significant impact.

Wood Burning Devices. Pursuant to District Rule 504, only APCD approved wood burning devices are permitted in new dwelling units. Use of unauthorized devices may result in a potentially significant impact.

Operational Emissions. The APCD conducted a screening level air quality impact assessment for operational emissions to be generated by the proposed project. Based on APCD's initial screening, the project would not likely exceed the Tier I CEQA significance threshold (10 lbs/day of emissions), and no specific mitigation measures for operational phase emissions are required (Melissa Guise; April 14, 2004).

Clean Air Plan Consistency. The proposed project would be located within an existing urban area, and is consistent with the *Clean Air Plan*.

Mitigation/Conclusion. To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures (refer to Exhibit B for a complete list).

Fugitive Dust (PM_{10}). To minimize fugitive dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Asbestos. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally occurring asbestos. If asbestos is present, the

applicant would comply with *Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations*. These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program. Prior to demolition of onsite structures or underground pipes, the applicant has agreed to comply with the requirements listed in the *National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP)*. These requirements include, but are not limited to: 1) APCD notification; 2) completed asbestos survey conducted by a Certified Asbestos Inspector; and, 3) applicable removal and disposal requirements of identified asbestos-containing materials.

Equipment Permits. To ensure compliance with State and Local regulations, the applicant has agreed to contact the APCD to obtain all applicable registrations and/or permits for use of portable equipment. In addition, the applicant has agreed to consult with the APCD prior to establishment of certain uses and operation of the proposed project.

Wood Burning Devices. Pursuant to District Rule 504, only APCD approved wood burning devices are permitted in new dwelling units. Use of unauthorized devices may result in a potentially significant impact.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	<i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	<i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the project site: annual grassland, blue oak woodland, riparian, and wetland. The project site is located within the Carrizo Vernal Pool Region designated by the California Department of Fish and Game and is within a vernal pool habitat area. In addition, the project site is located within an area designated by the U.S. Fish and Wildlife Service as critical habitat for the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*). Vernal pools, or seasonal wetlands, provide habitat for several sensitive plant species in addition to aquatic invertebrates such as the vernal pool fairy shrimp. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Shining Navarettia (*Navarettia nigelliformis*), Kellogg's Horkelia (*Horkelia cuneata* ssp. *Sericea*); Lemmon's jewelflower (*Caulanthus coulteri lemmonii*) found approximately 0.6 mile to the southwest

Wildlife: San Joaquin Kit Fox (*Vulpes macrotis mutica*); San Joaquin Pocket Mouse (*Perognathus inornatus inornatus*) found approximately 0.6 mile to the southwest

Habitats: San Joaquin Kit Fox (*Vulpes macrotis mutica*) habitat with a mitigation ratio of 4:1, California red-legged frog (*Rana aurora draytonii*) habitat; and Blue Oak Woodland (Scattered <10% density) found approximately 0.3 mile to the west

The applicant submitted biological resources surveys including a *Botanical Assessment and Survey for San Joaquin Kit Fox and Vernal Pool Habitat* (Althouse and Meade; March 2005), *Spring Surveys for Rare Plants and Protocol Survey for California Red-legged Frog* (Althouse and Meade; May 18, 2005), *Vernal Pool Site Assessment* (Daniel Meade; March 7, 2005), and *Kit Fox Habitat Evaluation Form* (Daniel Meade; March 8, 2005). The results of these surveys are incorporated into the discussion below.

Special-status Habitats. The project site was surveyed on February 16 and 28 and March 7 by Daniel Meade and Jason Dart, Althouse and Meade, to identify the potential for vernal pool habitat and/or listed plant and fairy shrimp species. At this time, no evidence of vernal pools or potential areas for ponded water was observed. The topography on the project site is such that water would not pool in a manner consistent with the characteristics of vernal pools. Therefore, there was no indication of habitat suitable for supporting fairy shrimp or sensitive plant species associated with vernal pools (Althouse and Meade; March 7, 2005).

Special-status Species. The project site was surveyed on February 16 and 28, March 7, and May 13, 2005 by Daniel Meade, Ph.D. of Althouse and Meade. Based on the results of these surveys, no special-status plant species are present onsite (Althouse and Meade; March 2005).

The proposed project site is located within the habitat range of the San Joaquin kit fox (*Vulpes macrotis mutica*), a State Threatened and Federally Endangered species and San Joaquin Pocket Mouse (*Perognathus inornatus inornatus*), a State Special Concern species. The project site supports suitable habitat for these species. In addition, the biological report prepared for the project site documented suitable habitat for American badger (*Taxidea taxus*) and California horned lark (*Eremophila alpestris actia*), State Special Concern species.

California red-legged frog (*Rana aurora draytonii*) habitat is present within the Salinas River, located approximately 0.5 mile west of the project site. California red-legged frog is a Federally Threatened species. The closest documented occurrence of California red-legged frog is approximately 14.5 miles to the south, within Paso Robles Creek. Suitable aquatic and upland habitat for California red-legged frog is not present on the project site. Daniel Meade consulted with Katie Drexhage, U.S. Fish and Wildlife Service (USFWS), and the USFWS determined that protocol surveys for California red-legged frog are not necessary based on the lack of suitable habitat (Katie Drexhage; May 16, 2005 as documented by Daniel Meade; May 18, 2005). Based on these conclusions and the USFWS determination, California red-legged frog is not likely present, and would not be impacted by the proposed project.

Native and Other Important Vegetation. The project site supports blue oak woodland (*Quercus douglasii*), scattered blue oak trees, and one individual valley oak tree (*Quercus lobata*), which are considered sensitive native habitat and vegetation by the State of California and County of San Luis Obispo.

Riparian and Wetland Habitat. Two ephemeral drainages traverse the northern portion of the property, and flow under North River Road into the Salinas River corridor. The north-facing slope and stream bed of both drainages are vegetated with blue oaks. Riparian vegetation, including red willows and Fremont cottonwoods are present within the northernmost drainage near the western property

line. These two seasonal drainages contain intermittent areas of ponding and wetland vegetation. No evidence of wetlands was observed outside of the stream channels.

Other Wildlife. Individual oak trees, oak woodland, and stream corridors support habitat for nesting song birds and raptors.

Impacts. The applicant proposes to subdivide the project site for the future development of up to 38 residences, a water tank, construction of two access roads, and related utility improvements. Proposed access road "Road A" would cross one stream, and require the removal of two blue oak trees. Construction of the northeastern terminus of "Road A" would impact the southern bank of the far northern stream. Approximately 3.3 acres of the project site would be affected by proposed tract improvements (roads). Additional disturbance would occur as each proposed lot is developed.

Special-status Species. No special-status plant species were observed during seasonal surveys; therefore, no impacts to special-status plant species would occur. Daniel Meade prepared a *San Joaquin Kit Fox Habitat Evaluation Form* on March 8, 2005. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game (CDFG). The evaluation, approved by CDFG, resulted in a score of 88, which requires that all impacts to kit fox habitat be mitigated at a ratio of four acres conserved for each acre impacted (4:1). Proposed tract improvements would result in the permanent conversion of 3.3 acres of San Joaquin kit fox and San Joaquin pocket mouse habitat. In addition, significant impacts to American badger and California horned larks may occur during proposed grading and construction activities, including disruption of burrows and nests, and direct harm to these species.

Native and Other Important Vegetation. The proposed tract design, roads, and building envelopes were generally designed to avoid the drainages and blue oak woodland onsite. One valley oak is located in the southern corner of the building envelope on proposed Lot 34, one blue oak is located within the building envelope of proposed Lot 27, and fourteen blue oaks are scattered along the fringes of proposed buildable areas. Two blue oaks would be removed during the construction of proposed "Road A", and the one valley oak and one blue oak located within building envelopes may be removed during development of these lots. The rootzones of fourteen blue oaks located in close proximity to proposed building envelopes may be impacted during individual lot development. Removal and impacts to oak trees would result in a potentially significant impact.

Riparian and Wetland Habitat. The applicant proposes to install a culvert within the southern drainage, and construct a road crossing ("Road A") over this drainage. The drainage in this location is shallow and narrow (approximately two feet deep and two feet across), and does not support riparian vegetation. The applicant is proposing a 20-foot wide drainage easement along the southern drainage, and proposed building envelopes are located outside of drainage areas. The northeast extension of proposed "Road A" would result in the disturbance of a portion of the northern drainage bank in an area dominated by grasses and forbs. Significant impacts to riparian and wetland habitat may occur during grading and construction activities, including additional inadvertent disturbance of drainages, erosion and down-gradient sedimentation, and discharge of fuels, oils, and other pollutants into these drainages.

Other Wildlife. If grading and construction activities occur during the nesting season for song birds and raptors (February through August), significant impacts could occur, including disruption of nests and harm to eggs and chicks.

Mitigation/Conclusion.

Special-status Species. CDFG recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox (Bob Stafford; August 31, 2005). The applicant will be required to mitigate the loss of kit fox habitat by one of the following ways: Deposit funds into an

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approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. The applicant shall be responsible for loss of habitat (3.3 acres) resulting from the construction of tract improvements and new roads. Future landowners would be responsible for payment of fees based on the area impacted during individual lot development (Bob Stafford; August 31, 2005). Implementation of this measure would also mitigate the loss of San Joaquin pocket mouse habitat. To prevent inadvertent harm to kit fox, pocket mouse, and American badger, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures.

Native and Other Important Vegetation. To mitigate for the loss of and impacts to valley and blue oak trees, the applicant and future landowners shall be required to replace removed trees at a 4:1 ratio and replace impacted trees at a 2:1 ratio. Trees shall be replaced with one-gallon, in-kind seedlings, and shall be protected, watered, and maintained to ensure survival. To prevent inadvertent disturbance to oak trees located outside of buildable areas, the applicant (and future landowners) shall install protection fencing along the rootzone of oak trees. No grading, placement of fill, storage of materials, or use and storage of equipment shall be permitted within the rootzone.

Riparian and Wetland Habitat. To minimize disturbance to the two ephemeral drainages, riparian habitat, and wetland habitat onsite, the applicant (and future landowners) shall install construction fencing along the perimeter of areas approved for grading and development. No grading, placement of fill, storage of materials, or use and storage of equipment shall be permitted outside of these areas. The applicant has also agreed to prepare and implement an erosion and sedimentation control plan and Stormwater Pollution Prevention Plan (SWPPP) (refer to Section 6, Geology and Soils and Section 14, Water), which shall include best management practices (BMPs) such as installation of silt fencing, use of hay bales and straw wattles, restoration of disturbed areas, installation of fossil fuel filters on drainage inlets, and establishment of equipment staging and fueling areas outside of drainage areas to minimize erosion and prevent discharge of sediment and other pollutants into the drainages onsite. In addition, the applicant is required to obtain permits from the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) for the construction of the "Road A" stream crossing.

Other Wildlife. To avoid impacts to nesting song birds and raptors, the applicant has agreed to retain a County-approved biologist to conduct a pre-construction survey prior to vegetation removal, grading, tree removal, and any other form of site disturbance during the nesting bird season (February through August). This measure shall apply during both the construction of tract improvements and individual lot development.

Based on implementation of the measures described above and listed in Exhibit B, impacts to biological resources would be reduced to less than significant.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. CULTURAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Disturb historic resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located in an area historically occupied by the Obispeño Chumash and Southern Salinan. Significant archaeological deposits have been discovered in the vicinity of the Salinas River. The applicant submitted an *Archaeological and Paleontological Assessment Report*, including a records search and Phase I surface survey of the project site (Cogstone Resource Management, Inc.; March 2005). Based on the records search, eleven archaeological and historical sites are documented within one mile of the project site. No archaeological, historical, or paleontological deposits were observed during the field survey; however, visibility was very poor due to dense grass and vegetation cover. The existing structures onsite were constructed less than 50 years ago, and do not exhibit architectural qualities characteristic of significant historic resources. The project site is located on the Quaternary Older Alluvium and Paso Robles Formation geologic formations. These formations have produced fossils of extinct Ice Age animals including bison, camel, horse, and elephant in the vicinity of the project site. These sediments are considered highly sensitive for fossil recovery.

Impact. Based on the location of the project site, there is a potential for cultural resources including archaeological, historical, and paleontological deposits. Disturbance and destruction of these resources during proposed grading and construction activities would result in a potentially significant impact.

Mitigation/Conclusion. The applicant has agreed to retain a County-approved archaeologist and paleontologist to prepare a monitoring plan to be implemented prior to initiation of vegetation removal and grading activities. Archaeological and historical monitoring shall be required during initial vegetation removal and surface grading/scraping activities. If any significant archaeological resources are discovered, work shall halt until the resources can be adequately assessed and documented. Additional surveys and/or monitoring may be required, upon consultation with the County Environmental Coordinator. Paleontological monitoring shall be required during grading and excavation activities. Based on the submittal and implementation of a cultural resources monitoring plan, potential impacts to cultural resources would be insignificant.

6. GEOLOGY AND SOILS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS -*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

GEOLOGY – The topography of the project site gently to steeply sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils. The applicant submitted a geotechnical engineering report (Buena Geotechnical Services, LLC; July 8, 2005). Based on the results of the report, the liquefaction potential is low, and the expansion determination is “very low to medium”. Groundwater was not encountered within fifteen feet. The applicant proposes to locate building envelopes outside of steeply sloping areas. There is no evidence that measures beyond what is required by code or ordinance are necessary.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. Two ephemeral drainages traverse the project site, and carry stormwater under North River Road and into the Salinas River corridor. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more

impacts than that caused by historic flows. There is no evidence that measures beyond what is required by code or ordinance are necessary.

SEDIMENTATION AND EROSION - The soil types mapped for the project site include: Arbuckle-Positas complex (15-30%) and (9-15%), Arbuckle-San Ysidro complex (2-9%), and Nacimiento-Los Osos complex (9-30%). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility, and low to moderate shrink-swell characteristics. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program. The applicant proposes to disturb approximately 3.3 acres to construct tract improvements, and additional disturbance would occur during individual lot development. Both an erosion and sedimentation control plan and SWPPP are required. There is no evidence that measures beyond what is required by code or ordinance are necessary.

Mitigation/Conclusion. The applicant is required to comply with federal, state, and local regulations. The erosion and sedimentation control plan and SWPPP are required to include both temporary and permanent measures to control erosion and prevent down-gradient sedimentation and discharge of pollutants into surface water bodies and tributaries. These measures include the use of hay bales, straw wattles, silt fencing, and revegetation of disturbed areas. Based on implementation of these plans and compliance with existing regulations, potential geology and soils impacts would be less than significant.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. One residence, accessory structures, and a water tank are located on the project site. The project is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The project is not within the Airport Review area.

4-18

Impact. The proposed project does not include the use, transport, or storage of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The proposed project was referred to the San Miguel Community Services (CSD) District Fire Department for review. The CSD Fire Department did not identify any significant concerns, and stated that the applicant shall comply with the Uniform Fire Code and California Fire Code regulations (J.M. Ellison; March 29, 2005).

Mitigation/Conclusion. Based on compliance with existing ordinances and regulations, hazards and hazardous materials impacts would be less than significant.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels which exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located approximately 1,200 feet east of North River Road and approximately one mile east of Highway 101. The project site is not located within an area identified by the *County Noise Element* as subject to noise exceeding allowable thresholds (60 dB exterior, 45 dB interior). Significant impacts related to noise exposure would not occur. The proposed project site is surrounded by land developed with agricultural and residential uses. Implementation of the proposed project is expected to generate up to 354 average daily trips, which would not generate a significant amount of noise above existing ambient levels.

Mitigation/Conclusion. No significant noise impacts were identified; therefore no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4-79

9. POPULATION/HOUSING -

Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

e) *Other* _____

☐
☐
☐
☐

Setting. Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) *Fire protection?*

☐
☒
☐
☐

b) *Police protection (e.g., Sheriff, CHP)?*

☐
☒
☐
☐

c) *Schools?*

☐
☒
☐
☐

d) *Roads?*

☐
☐
☒
☐

e) *Solid Wastes?*

☐
☐
☒
☐

f) *Other public facilities?*

☐
☐
☒
☐

g) *Other* _____

☐
☐
☐
☐

Setting. The County Sheriff's Department and San Miguel Community Services District Fire Department serve the project area as the primary emergency responders. The fire station is approximately one mile to the west. The closest Sheriff substation is in Templeton, which is approximately 15 miles from the proposed project. The project is located in the San Miguel Joint Unified Elementary School District and Paso Robles Unified School District.

Impact. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection. The project's direct and cumulative impacts are within the general assumptions of allowed use for the property that was used to estimate the fees in place.

4-80

Mitigation/Conclusion. Regarding cumulative impacts, public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan does not show a potential trail through the proposed project site. The project is not proposed in a location that would affect any trail, park or other recreational resource. The proposed project was referred to the County Parks and Recreation Division for review. The Parks Division did not identify any project-specific significant impacts or request a trail easement (Jan DiLeo; April 11, 2005). Implementation of the proposed project and occupation of residences would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

Mitigation/Conclusion. In order to offset the cumulative demand for recreational resources, the applicant would be required to pay Quimby and Building Division fees. No additional mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4-81

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site would be accessed from Martinez Drive and Magdalena Drive, local roads branching off North River Road, a two-lane collector providing access to agricultural and residential development along the Salinas River, east of Highway 101. The proposed project site and surrounding neighborhoods are separated from Highway 101 and the commercial area of the community of San Miguel by the railroad. River Road provides access across the railroad. Mission Street, a two-lane arterial, provides access to the commercial and residential neighborhoods on the west side of the railroad. The River Road and Mission Street intersection is located on the west side of the railroad.

Impact. The applicant proposes to subdivide the project site into 39 lots, for the future development of 38 residences and a water tank. The proposed project would generate 354 average daily trips (9.57 trips per residence). The applicant proposes to connect to Martinez Drive for primary access, and improve Magdalena Drive for secondary access. The applicant submitted a traffic analysis to determine if development of the proposed project would result in any significant traffic impacts, reduce the level of service on any affected roadways, or result in a hazard at the at-grade railroad crossing (Higgins Associates; June 23, 2005).

Based on the results of the traffic analysis, the River Road/Martinez Drive intersection is currently operating at an overall level of service (LOS) A, with a worst-approach LOS A, which is acceptable. The Mission Street/River Road intersection is operating at an overall LOS A, with a worst-approach LOS B, which is acceptable. Implementation of the proposed project would not affect LOS at these intersections (Higgins Associates; June 23, 2005).

The traffic analysis assessed sight distance at the intersection of Martinez Drive and North River Road. There is an existing earthen berm and aboveground utilities that obstruct sight distance to the south as seen from Martinez Drive. The traffic analysis recommends addition pavement to the top of the existing pavement to raise the elevation of the intersection, and approaches to the intersection and improve sight distance. In addition, the width and design of North River Road is inadequate due the placement of guardrails on both sides of the road, narrow shoulders, and lack of signage preceding a curve southeast of Cross Canyon Road (approximately 3,000 feet north of the project site).

The traffic analysis also assessed vehicle queues on westbound River Road at Mission Street to determine if the distance from Mission Street to the railroad (180 feet) is adequate to ensure safety. Based on the results of the traffic analysis, the length of road between Mission Street and the railroad is adequate for queuing vehicles at the River Road and Mission Street intersection, and implementation of the proposed project would not significantly impact operations at the River Road and Mission Street intersection or River Road railroad crossing.

Under cumulative conditions (build-out), the overall level of service at the Mission Street and River Road intersection would operate at LOS A during the A.M. peak hour and LOS B during the P.M. peak hour, which is acceptable. The worst-approach level of service would be LOS C during both the A.M. and P.M. peak hours, which is acceptable. Based on the traffic analysis, under cumulative conditions, the operation of the River Road and Mission Street intersection and River Road railroad crossing

would not be significantly impacted; however, an all-way traffic signal is warranted to improve the ability of River Road traffic to clear the railroad crossing when a train passes through.

The Public Works Department reviewed the proposed project, and the existing condition of North River Road and the necessity of traffic light on Mission Street and 14TH Street (River Road). The Department determined that North River Road is at a deficient width, and should be widened to meet County A-1(c) Rural-Mountainous Terrain standards (39-foot width). The existing cross section of North River Road is 22 feet (Richard Marshall; August 1, 2005).

Mitigation/Conclusion. To reduce cumulative and area wide impacts including repairing North River Road deficiencies and a stop light at Mission Street and 14th Street, the applicant agrees, on behalf of himself and successors in interest, to pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index, to be paid for each residential unit at the time of issuance of building permits. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The applicant proposes to use onsite septic systems to manage wastewater. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relate to: slow percolation, steep slopes, and shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – This characteristic indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock. The applicant submitted a *Geotechnical Engineering and Percolation Report* including soil boring information. Soil borings were drilled to a depth of fifteen feet, and bedrock was not encountered.

Steep Slopes – This characteristic indicates that portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. The proposed building envelopes are primarily located on the gently to moderately sloping crests of hillsides on the project site. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent "daylighting" to

the ground surface. Based on the size of each building envelope, there is adequate area on each parcel to locate the leachfield outside of steeply sloping areas.

Slow Percolation – This characteristic indicates that fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold. Percolation test results conducted on each proposed lot ranged from 20 to 60 minutes/inch (Buena Geotechnical Services; July 8, 2005).

Impact. The proposed project and percolation tests were referred to the County Environmental Health Division for review. Environmental health determined that the lots are suitable for individual sewage disposal systems (Laurie Salo; September 1, 2005). Lots 14, 22, 25, 28, 30, 33, 34, and 36 had percolation test rates of 20 minutes/inch, and may require engineered septic systems. In addition, the systems are required to be located outside of steeply sloping areas to avoid daylighting of effluent.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met. No additional measures are required.

14. WATER - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The topography of the project site is gently to steeply sloping. Two ephemeral drainages traverse the project site, and flow under North River Road into the Salinas River corridor. As described in the NRCS Soil Survey, the soil surface is considered moderately erodable.

The project site is located within the community of San Miguel, and is served by the San Miguel Community Services District. The San Miguel CSD draws its water supply from two wells located in San Miguel within the Paso Robles Groundwater Basin. According to the *Annual Resource Summary Report* (2004), as of 2004, the San Miguel CSD can support up to 125 new residential connections.

Based on the report, the demand for water could equal or exceed the current system capacity within five years, warranting a Level of Severity II. The San Miguel CSD is in the planning process to construct a new well and storage tank in 2005-2006, which would increase capacity. The County would reconsider this recommendation once the new well is on-line.

Impact. As proposed, tract improvements would result in the disturbance of approximately 3.3 acres. Additional disturbance would occur during future development of each individual lot. Potential impacts to surface water, including down-gradient sedimentation and pollution from construction equipment run-off entering onsite drainages, would likely occur during future development of the project site.

The applicant is proposing to subdivide the project site into 39 lots (38 lots proposed for residential development). There is an existing water tank on the project site, which is proposed for removal. The San Miguel CSD issued a conditional preliminary will serve letter for the proposed project, which includes a requirement to replace the existing tank on the property with a new tank designed to meet current and future water supply and fire flow demands (J.M. Ellison; February 7, 2005). The applicant proposes to construct a new tank proposed Public Lot 39, as required by the San Miguel CSD. Implementation of the proposed project would require the use of up to 32.3 acre-feet per year of water:

$$38 \text{ residential lots (w/primary (0.85 afy) X 38 lots) = 32.3 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The County Division of Environmental Health has verified receipt of preliminary evidence of water supply service from the San Miguel CSD (Richard J. Lichtenfels; March 31, 2005). A final will serve letter will be required prior to final map recordation.

Mitigation/Conclusion. Implementation of an approved drainage plan and erosion and sedimentation control plan including best management practices and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6). The applicant is required to prepare and implement a Storm Water Pollution and Prevention Plan (SWPPP) for disturbance of over one acre for submittal to the State Water Resources Control Board (SWRCB). This plan requires the use of "Best Management Practices" (BMPs), which will further reduce potential impacts. No additional mitigation measures are required.

Prior to map recordation, the applicant would be required to submit a final will serve letter to the Division of Environmental Health and install water service improvements to each parcel. To further reduce the project's impact on water supply, the applicant has agreed to adopt water conservation measures per County guidelines. Based on implementation of these requirements, water supply impacts would be mitigated to less than significant.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Salinas River Area Plan). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

The surrounding land uses include residences to the north and west, and vineyards to the south and east. The proposed project is generally compatible with these surrounding uses because the proposed tract map includes an agricultural buffer between the agricultural land to the south and east and the proposed development to minimize potential land use incompatibility issues. Although the proposed density and future development is greater than what is allowed in the existing land use category (15 additional lots), the proposed subdivision is consistent with land divisions on neighboring residential parcels and the TDC designation would restrict further subdivision of the project site.

Mitigation/Conclusion. With the addition of measures proposed in this document, no significant land use impacts would occur as a result of the proposed project, and no additional mitigation is necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
☒	County Public Works Department	Attached
☒	County Environmental Health Division	Attached
☒	County Agricultural Commissioner's Office	Attached
☒	County Parks and Recreation Division	Attached
☒	County Assessor Department	No Response
☒	Air Pollution Control District	Attached
☒	Regional Water Quality Control Board	No Response
☐	CA Department of Conservation	Not Applicable
☒	CA Department of Fish and Game	Attached
☒	CA Department of Forestry	No Response
☒	CA Department of Transportation	No Response
☒	San Miguel Advisory Group	No Response
☒	San Miguel CSD	Attached
☒	Public Utilities	In File**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application	☒ Salinas River Area Plan and Update EIR
<u>County documents</u>	☐ South County Circulation Study
☐ Airport Land Use Plans	<u>Other documents</u>
☒ Annual Resource Summary Report	☒ Archaeological Resources Map
☒ Building and Construction Ordinance	☒ Area of Critical Concerns Map
☐ Coastal Policies	☒ Areas of Special Biological Importance Map
☒ Framework for Planning (Coastal & Inland)	☒ California Natural Species Diversity Database
☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	☒ Clean Air Plan
☒ Agriculture & Open Space Element	☒ Fire Hazard Severity Map
☒ Energy Element	☒ Flood Hazard Maps
☒ Environment Plan (Conservation, Historic and Esthetic Elements)	☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ Housing Element	☒ Regional Transportation Plan
☒ Noise Element	☒ Uniform Fire Code
☒ Parks & Recreation Element	☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Safety Element	☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☒ Land Use Ordinance	
☒ Real Property Division Ordinance	
☒ Trails Plan	
☐ Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Althouse and Meade, Inc. March 2005. *Botanical Assessment and Survey for San Joaquin Kit Fox and Vernal Pool Habitat.*

Althouse and Meade, Inc. March 7, 2005. *Vernal Pool Site Assessment.*

Althouse and Meade, Inc. May 18, 2005. *Spring Surveys for Rare Plants and Protocol Survey for California Red-legged Frog.*

Buena Geotechnical Services, LLC. July 8, 2005. *Geotechnical Engineering and Percolation Report.*

Cogstone Resource Management, Inc. March 2005. *Archaeological and Paleontological Assessment Report.*

Higgins Associates. June 23, 2005. *San Miguel Terrace Subdivision, San Luis Obispo County, CA Traffic Analysis.*

Meade, Daniel. March 8, 2005. *Kit Fox Habitat Evaluation Form.*

Exhibit B - Mitigation Summary Table

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

Aesthetics

- V-1 Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:
- a. Residences on Lots 28 and 33 through 38 shall be single-story only, and limited to 25 feet in height above average natural grade.
 - b. The roofing structure shall incorporate a hipped-roof design.
 - c. Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
 - d. Roofing shall be limited to muted, dark, earthtone colors.
 - e. Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire. No white or light-colored fencing shall be permitted.
- V-2 Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit a landscape plan to the County for review and approval. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees), and shall be installed in random-appearing patterns. Palm trees, Italian cypress, or eucalyptus shall not be planted. Such plantings shall achieve at least a 50 percent screen of future homes, driveways, and access roads within five years. Only drip-irrigation methods shall be permitted. The plan shall be implemented prior to final inspection. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.
- V-3 Prior to recordation of the final map**, the applicant shall submit an intensive slope restoration plan to revegetate all cut and slopes associated with grading adjacent to North River Road and for the proposed access roads. The plan shall include the use of site-appropriate native grasses and shrubs. The plan shall be implemented immediately following completion of road improvements, and prior to final inspection of tract improvements.
- V-4 Prior to recordation of the final map**, the applicant shall submit an exterior road and safety lighting plan (if proposed) to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.
- V-5 Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit an exterior lighting plan to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.
- V-6 Prior to issuance of construction permits for the water tank**, the applicant shall submit elevations showing the dimensions of the water tank, and a landscape plan. The exterior color of the tank shall be a dark, muted green or brown shade with a chroma and value less than 6. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees), and shall be installed in random-appearing patterns.

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Palm trees, Italian cypress, or eucalyptus shall not be planted. Such plantings shall achieve at least a 50 percent screen of the tank within five years. Only drip-irrigation methods shall be permitted on the screening plants. The plan shall be implemented prior to final inspection. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.

Agricultural Resources

AG-1 Prior to sale of each lot, the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, odors, fumes including legal pesticide use, use of heavy machinery, and truck traffic occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

Air Quality

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. ***All PM10 mitigation measures required shall be shown on grading and building plans.*** In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- a. Reduce the amount of disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off.
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.

- AQ-2 Prior to issuance of grading permit for tract improvements**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
- AQ-3 Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- AQ-4 Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- a. Portable generators greater than 50 horsepower
 - b. IC engines
 - c. Unconfirmed abrasive blasting operations
 - d. Concrete batch plants
 - e. Rock and pavement crushing
 - f. Tub grinders
 - g. Trommel screens
- AQ-5 Prior to issuance of building permits for individual lot development**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
- a. All EPA-Certified Phase II wood burning devices;
 - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - d. Pellet-fueled woodheaters, and;
 - e. Dedicated gas-fired fireplaces.

Biological Resources

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the Mobra Tract Map (SUB2004-00306 Tract 2723) on March 8, 2005 by Daniel Meade and reviewed by Mr. Bob Stafford on March 8, 2005 indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 88 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of four acres conserved for

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each acre impacted (4:1). The mitigation options identified in BR-1 through BR-12 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits for tract improvements, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented to mitigate for the loss of 3.3 acres of habitat:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits associated with individual lot development, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

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BR-3 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disk, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-3-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction,** fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet

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2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-4 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction,**

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation,** conditions BR-3 through BR-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-5 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-6 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-7 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-8 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-9 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed

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containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-10 Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-11 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-12 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-13 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental

and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for American badger dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any badger activity within the project limits. If badgers are found in dens, no grading shall occur within 100 feet of active badger dens during the nursing season (February through July).

BR-14 Prior to final inspection of grading improvements, the applicant shall replace in-kind at a four-to-one ratio, the two blue oak trees to be removed for a total of eight coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

BR-15 At the time of application for grading permits or construction plans for individual lot development, the applicant shall submit plans showing the location of all oak trees within 50 feet of the building envelope. If any trees are proposed for removal or would be impacted by site disturbance, the applicant shall submit a tree replacement plan prepared by a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replanting may not occur in the open space area. Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist)

to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

- BR-16** All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, placement of fill, storage of materials, and use and storage of equipment shall be avoided within these fenced areas.
- BR-17** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
- BR-18** Prior to issuance of grading and construction permits for tract improvements and individual lot development, the "project limits" shall be clearly delineated on all construction plans, along with locations of sturdy, high-visibility fencing to be installed in the field at the boundary of the "project limits". No grading, placement of fill, storage of materials, or use and storage of equipment shall occur outside of the "project limits". Fencing shall remain in place until final inspection.
- BR-19** Prior to site disturbance, if any proposed grading and construction activities occur March 15 through August 15, the applicant shall retain a County-approved biologist to survey the impact zone, within two weeks prior to ground disturbing activities, and determine that no nesting activities will be adversely impacted. In the instance that nesting birds are discovered, the biologist shall determine an appropriate buffer area until the biologist has determined that the chicks have fledged the nest. All construction work shall be prohibited from the buffer. In addition, the results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for buffer zone changes, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.
- BR-20** Prior to recordation of the final map and issuance of grading and construction permits, the applicant shall submit copies of authorizations and permits (or documentation that such permits are not required) from the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) for the construction of the "Road A" stream crossing and road improvements within the northeastern corner of the project site.

Cultural Resources

CR-1 Prior to recordation of the final map, the applicant shall submit for the review and approval of the Environmental Coordinator, a detailed research design for an Archaeological and Paleontological Monitoring and Recovery Plan (APMRP). The APMRP shall be consistent with the Archaeological and Paleontological Assessment for the San Lawrence Terrace Project, San Miguel, San Luis Obispo County, California (Cogstone Resource Management Inc.; March 2005) and shall be prepared by a qualified archaeologist and paleontologist approved by the Environmental Coordinator. The APMRP program shall include the following at minimum:

- a. List of personnel involved in the monitoring activities;
- b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities);
- c. Description of how the monitoring shall occur;
- d. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- e. Description of what resources are expected to be encountered;
- f. Description of circumstances that would result in the "work diversion" at the project site;
- g. Description of procedures for diverting work on the site and notification procedures;
- h. Description of monitoring reporting procedures.
- i. Disposition of collected materials;
- j. Proposed analysis of results of **data recovery and collected materials, including timeline of final analysis results.**

CR-2 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor initial vegetation clearance and surface grading/scraping, per the approved monitoring plan. The applicant shall implement the APMRP measures as delineated in the APMRP. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

CR-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist and paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries per the APMRP. If the analysis included in the APMRP program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Geology and Soils

GS-1 Prior to issuance of grading and construction permits for tract development and individual lot development, the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented **prior to site disturbance.**

GS-2 Prior to issuance of grading and construction permits for tract development, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The SWPPP shall include the installation of filters for hydrocarbons to prevent the discharge of oils and fuels into the onsite drainages.

Transportation/Circulation

TR-1 Prior to recordation of the final map, the applicant shall submit road improvement plans to the County Public Works Department for review and approval. In addition to standard requirements, the plans shall show the placement of additional pavement on North River Road, south of Martinez Drive, to achieve acceptable sight distance.

TR-2 Prior to recordation of the final map, the developer shall pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

Water

W-1 Prior to recordation of the final map, the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct water improvements to each parcel or submit a monetary bond to perform the work at a later date.

W-2 Prior to issuance of building permits for development on the proposed parcels, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems for all landscaping other than the small turf area.

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**DEVELOPER'S STATEMENT FOR THE
MOBRA/WHITTSTOM TRACT MAP AND TDC RECEIVER SITE
SUB2004-00306 TRACT 2723**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

AESTHETICS

- V-1 Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:
- a. Residences on Lots 28 and 33 through 38 shall be single-story only, and limited to 25 feet in height above average natural grade.
 - b. The roofing structure shall incorporate a hipped-roof design.
 - c. Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
 - d. Roofing shall be limited to muted, dark, earthtone colors.
 - e. Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire. No white or light-colored fencing shall be permitted.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans and materials, and implementation in the field.

- V-2 Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit a landscape plan to the County for review and approval. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees), and shall be installed in random-appearing patterns. Palm trees, Italian cypress, or eucalyptus shall not be planted. Such plantings shall achieve at least a 50 percent screen of future homes, driveways, and access roads within five years. Only drip-irrigation methods shall be permitted for the screening plants. The plan shall be implemented prior to final inspection. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

- V-3 Prior to recordation of the final map,** the applicant shall submit an intensive slope restoration plan to revegetate all cut and slopes associated with grading adjacent to North River Road and for the propose access roads. The plan shall include the use of site-appropriate native grasses and shrubs. The plan shall be implemented immediately following completion of road improvements, and prior to final inspection of tract improvements.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

- V-4 Prior to recordation of the final map,** the applicant shall submit an exterior road and safety lighting plan (if proposed) to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

- V-5 Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit an exterior lighting plan to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

- V-6 Prior to issuance of construction permits for the water tank,** the applicant shall submit elevations showing the dimensions of the water tank, and a landscape plan. The exterior color of the tank shall be a dark, muted green or brown shade with a chroma and value less than 6. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees), and shall be installed in random-appearing patterns. Palm trees, Italian cypress, or eucalyptus shall not be planted. Such plantings shall achieve at least a 50 percent screen of the tank within five years. Only drip-irrigation methods shall be permitted. The plan shall be implemented prior to final inspection. Mitigation trees shall be maintained until fully established. Mitigation trees that die shall be replaced.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

AGRICULTURAL RESOURCES

AG-1 Prior to sale of each lot, the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

Monitoring: The Department of Planning and Building shall verify compliance.

AIR QUALITY

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- a. Reduce the amount of disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off.

- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-2 Prior to issuance of grading permit for tract improvements,** the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-3 Prior to issuance of demolition permits,** the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-4 Prior to issuance of grading and construction permits,** the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- Portable generators greater than 50 horsepower
 - IC engines
 - Unconfirmed abrasive blasting operations
 - Concrete batch plants
 - Rock and pavement crushing
 - Tub grinders
 - Trommel screens

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-5 Prior to issuance of building permits for individual lot development, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, and;
- e. Dedicated gas-fired fireplaces.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

BIOLOGICAL RESOURCES

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the Mobra Tract Map (SUB2004-00306 Tract 2723) on March 8, 2005 by Daniel Meade and reviewed by Mr. Bob Stafford on March 8, 2005 indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 88 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of four acres conserved for each acre impacted (4:1). The mitigation options identified in BR-1 through BR-12 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits for tract improvements, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented to mitigate for the loss of 3.3 acres of habitat:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and

approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits associated with individual lot development, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

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- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: The Department of Planning and Building shall verify compliance and shall approve mitigation in consultation with the California Department of Fish and Game.

BR-3 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-3-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

BR-4 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-5 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-6 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the

kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- BR-7 During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-8 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-9 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-10 Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-11 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-12 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

BR-13 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for American badger dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any badger activity within the project limits. If badgers are found in dens, no grading shall occur within 100 feet of active badger dens during the nursing season (February through July).

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

BR-14 Prior to final inspection of grading improvements, the applicant shall replace in-kind at a four-to-one ratio, the two blue oak trees to be removed for a total of eight coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring. Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

Monitoring: The Department of Planning and Building shall compliance.

BR-15 At the time of application for grading permits or construction plans for individual lot development, the applicant shall submit plans showing the location of all oak trees within 50 feet of the building envelope. If any trees are proposed for removal or would be impacted by site disturbance, the applicant shall submit a tree replacement plan prepared by a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replanting may not occur in the open space area. Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement oak trees shall be from one-gallon container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nursery person, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

Monitoring: The Department of Planning and Building shall verify receipt of required elements on plans, receipt of initial planting letter, and field verification.

BR-16 All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, placement of fill, storage of materials, and use and storage of equipment shall be avoided within these fenced areas.

Monitoring: The Department of Planning and Building shall verify compliance.

BR-17 The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Monitoring: The Department of Planning and Building shall verify compliance.

BR-18 Prior to issuance of grading and construction permits for tract improvements and individual lot development, the "project limits" shall be clearly delineated on all construction plans, along with locations of sturdy, high-visibility fencing to be installed in the field at the boundary of the "project limits". No grading, placement of fill, storage of materials, or use and storage of equipment shall occur outside of the "project limits". Fencing shall remain in place until final inspection.

Monitoring: The Department of Planning and Building shall verify receipt of required elements on plans and compliance in the field.

BR-19 Prior to site disturbance, if any proposed grading and construction activities occur March 15 through August 15, the applicant shall retain a County-approved biologist to survey the impact zone, within two weeks prior to ground disturbing activities, and determine that no nesting activities will be adversely impacted. In the instance that nesting birds are discovered, the biologist shall determine an appropriate buffer area until the biologist has determined that the chicks have fledged the nest. All construction work shall be prohibited from the buffer. In addition, the results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for buffer zone changes, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

Monitoring: The Department of Planning and Building shall verify receipt of monitoring survey report(s) and compliance in the field.

BR-20 Prior to recordation of the final map and issuance of grading and construction permits, the applicant shall submit copies of authorizations and permits (or documentation that such permits are not required) from the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) for the construction of the "Road A" stream crossing and road improvements within the northeastern corner of the project site.

Monitoring: The Department of Planning and Building shall verify compliance.

CULTURAL RESOURCES

CR-1 Prior to recordation of the final map, the applicant shall submit for the review and approval of the Environmental Coordinator, a detailed research design for an Archaeological and Paleontological Monitoring and Recovery Plan (APMRP). The APMRP shall be consistent with the Archaeological and Paleontological Assessment for the San Lawrence Terrace Project, San Miguel, San Luis Obispo County, California (Cogstone Resource Management Inc.; March 2005) and shall be prepared by a qualified archaeologist and paleontologist approved by the Environmental Coordinator. The APMRP program shall include the following at minimum:

- a. List of personnel involved in the monitoring activities;
- b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities);
- c. Description of how the monitoring shall occur;
- d. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- e. Description of what resources are expected to be encountered;
- f. Description of circumstances that would result in the "work diversion" at the project site;

- g. Description of procedures for diverting work on the site and notification procedures;
- h. Description of monitoring reporting procedures.
- i. Disposition of collected materials;
- j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results.

Monitoring: The Department of Planning and Building shall verify receipt and approval of monitoring plan.

CR-2 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor initial vegetation clearance and surface grading/scraping, per the approved monitoring plan. The applicant shall implement the APMRP measures as delineated in the APMRP. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Monitoring: The Department of Planning and Building shall verify compliance.

CR-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist and paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries per the APMRP. If the analysis included in the APMRP program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Monitoring: The Department of Planning and Building shall verify receipt and approval of monitoring report(s).

GEOLOGY AND SOILS

GS-1 Prior to issuance of grading and construction permits for tract development and individual lot development, the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented prior to site disturbance.

Monitoring: The Department of Planning and Building shall verify compliance.

- GS-2 Prior to issuance of grading and construction permits for tract development,** the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The SWPPP shall include the installation of filters for hydrocarbons to prevent the discharge of oils and fuels into the onsite drainages.

Monitoring: The Department of Planning and Building shall verify compliance.

TRANSPORTATION/CIRCULATION

- TR-1 Prior to recordation of the final map,** the applicant shall submit road improvement plans to the County Public Works Department for review and approval. In addition to standard requirements, the plans shall show the placement of additional pavement on North River Road, south of Martinez Drive, to achieve acceptable sight distance.

Monitoring: The Department of Planning and Building, in consultation with the Department of Public Works, shall verify receipt and approval of plans, and implementation in the field.

TRAFFIC AND CIRCULATION

- T-1 Prior to recordation of the final map,** the developer shall pay to the County of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

WATER

- W-1 Prior to recordation of the final map,** the applicant shall submit a final will serve letter to the County Division of Environmental Health, and shall construct water improvements to each parcel or submit a monetary bond to perform the work at a later date.

Monitoring: The Department of Planning and Building, in consultation with the Environmental Health Division shall verify compliance.

- W-2 Prior to issuance of building permits for development on the proposed parcels,** proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems for all landscaping other than a small area of turf. .

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Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Owner(s)

4/25/06

Date



Name (Print)

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): _____ identified as Assessor Parcel Number _____ for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: _____ specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: _____

Daytime Telephone Number: _____

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property _____

Person or entity granting consent:

Print Name: Jon Cagliero and Samantha Cagliero

Print Address: 8625 N. River Rd. Paso Robles CA 93446

Daytime Telephone Number: 805-610-7040

Signature of landowner: [Signature]

Date: 4/23/06

Authorized agent:

Print Name: [Signature]

Print Address: _____

Daytime Telephone Number: _____

Signature of authorized agent: _____

Date: _____

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): _____ identified as Assessor Parcel Number _____ for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: _____ specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: _____

Daytime Telephone Number: _____

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property _____

Person or entity granting consent:

Print Name: Phillip + Tracy Cagliero

Print Address: 8220 Estrella Road

Daytime Telephone Number: 805-467-9105

Signature of landowner: Phillip Cagliero

Date: 4-24-06

Tracy Cagliero

4-24-06

Authorized agent:

Print Name: _____

Print Address: _____

Daytime Telephone Number: _____

Signature of authorized agent: _____

Date: _____

4-120

CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): _____ identified as Assessor Parcel Number _____ for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: _____ specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: _____

Daytime Telephone Number: _____

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property _____

Person or entity granting consent:

Print Name: Ryan Tannehill

Print Address: 7575 Monterey Road, Paso Robles, Ca

Daytime Telephone Number: 805-226-0609

Signature of landowner: [Signature] Date: _____

Authorized agent:

Print Name: _____

Print Address: _____

Daytime Telephone Number: _____

Signature of authorized agent: _____ Date: _____

